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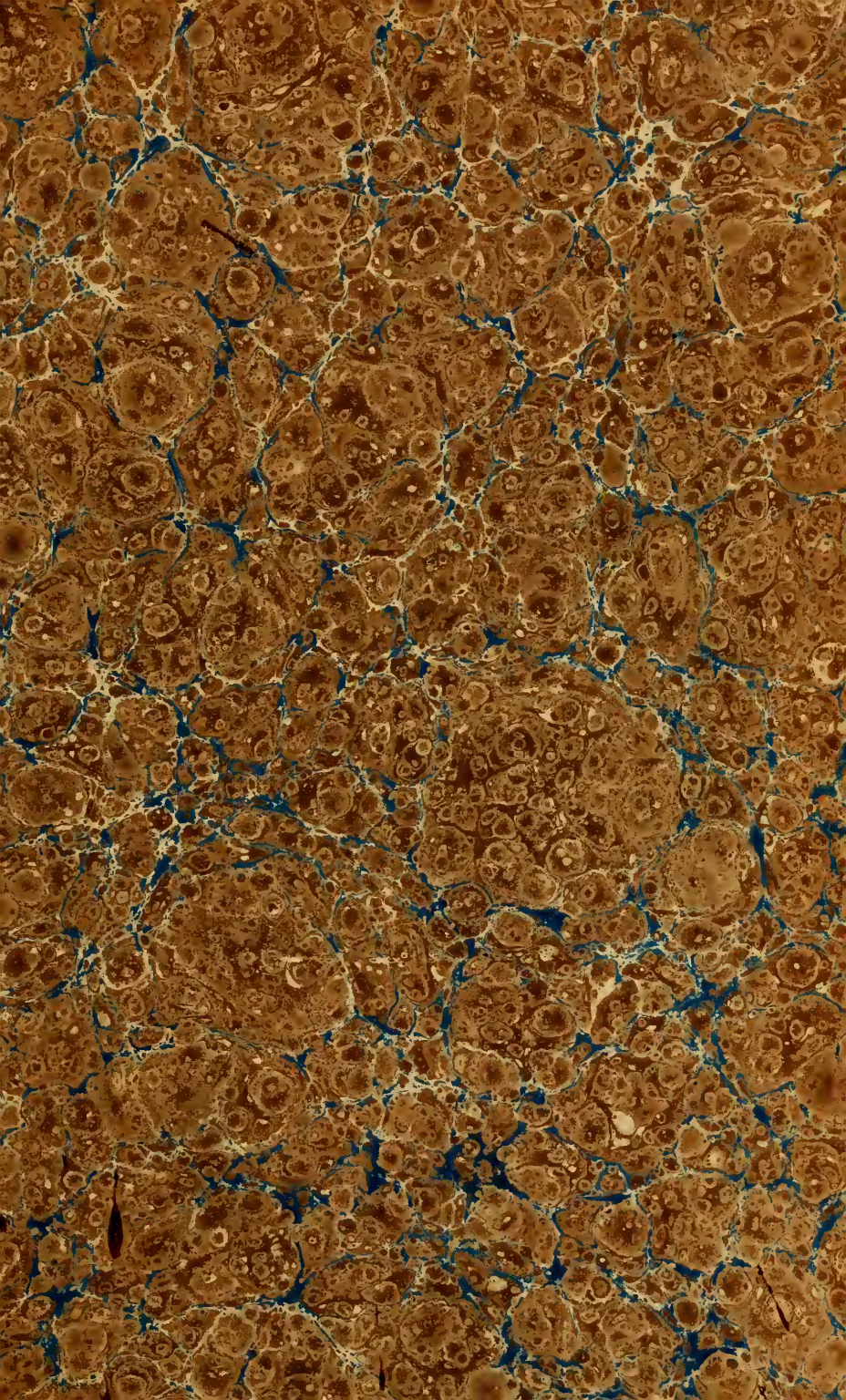

CATHEDRA PETRI.

A

Political History

OF THE

GREAT LATIN PATRIARCHATE.

BOOK XIV.

FROM THE DEATH OF INNOCENT III. TO THE DAWN OF THE REFORMATION.

BY

THOMAS GREENWOOD,

M.A. CAMB. AND DURH., F.R.S.L., BARRISTER-AT-LAW.

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PRINCETON
THEOLOGICAL
SEMINARY

THE

POLITICAL HISTORY OF THE PAPACY

FROM THE

THIRTEENTH TO THE SIXTEENTH CENTURY.

Preliminary.

The narrative presented to the public in the following volume may be read as a continuation or as a supplement to the work entitled *Cathedra Petri*, or as a distinct history; and it has therefore been thought expedient to provide a double title-page.

If it be read as the history of a period bearing a stamp and character of its own, distinguishable from those which formed the subject of the former volumes, a succinct account of the political state of the papacy at the death of pope Innocent III. will be absolutely requisite. That epoch brought the preceding narrative to a close, and completed the original design of the writer. But even if this volume be read as a continuation and completion of the former work, the recapitulation proposed will assist the memory of the reader, and keep alive the connection between the subject of the present, and that of the five volumes which preceded it.

Distinction between the period treated of in the earlier volumes and the present.

There is in fact a practical distinction between the period of papal history ending with the reign of Innocent III. and that which followed down to the age of the Reformation. Until the former of these epochs we are justified in regarding the theocratic scheme as in a struggling or militant state. The century which

followed, ending with the virtual transfer of the chair of Peter from Rome to Avignon (A.D. 1309) displays it in its triumphant state; because within this period the harvest planted by Innocent III. was gathered in and garnered up; and we are supplied with the means of ascertaining historically both the amount of the gains acquired, and how they affected that just balance of the powers of Church and State—of religious duty and political liberty—which has at all times been regarded as the most intricate and difficult problem of political philosophy.

Mode of treatment.

The objects proposed in this volume may, however, be accomplished by a shorter and less elaborate process than that which was necessary in laying bare the foundations, and tracing out the plan of the vast edifice of the pontifical power. The materials collected by conscientious and painstaking writers of all parties are more abundant. The same scrutiny into the value of authorities is less imperative. The doubts and obscurities which hung over the preceding periods are, for all essential purposes, evanescent: the results lie more clearly before us; and we are enabled to take our start from a basis of well-ascertained facts, maxims, and principles, forming a complete theory of the theocratic government. Instead of investigating these maxims and principles, as heretofore, and watching the growth of the system, we are at liberty to turn our attention to the *modus operandi*—the practical working—of the entire scheme in its whole effect upon the social and political welfare of the civilised world.

CHAPTER I.

THEOCRATIC GOVERNMENT—ORIGIN AND PROGRESS OF THE MENDICANT ORDERS.

1. Fundamental principle of the theocratic government of Rome—2. The *visible Church*—3. The *outward body* of the Church—4. The *title* of the Church to its possessions, &c.—5. The Pope the *ultimate judge*, &c.—6. *Temporal office* of the Pope—7. The Pope the supreme *criminal judge* of kings and princes, &c.—8. Powers and *modus operandi* of the Pope as guardian of the faith—*Effect* of the systematic inculcation of these principles—Contradiction, &c.—Popular idea of the empire—Irreconcilable antagonism of the two principles—Frederic II.—Opposition and resistance, &c.—The Mendicant orders—their origin and progress—*Francis of Assisi*—Expansion of the order of *Minorite Friars*—Theory of reform introduced by Francis—departed from—Antony of Padua—Revolution in the principle and practice of this order—Adoption of the order by Rome—The Cistercians and *Dominic of Calaruega*—Plan of Dominic—Introduction of the new order of *Friar-Preachers* or *Dominicans*—Progress of the Dominicans—The general of the order made *Master of the Sacred Palace*—Adoption of the order by pope Honorius III.—Differences in the original design of Franciscans and Dominicans—Functions and privileges of the Friar-Preachers—The inquisitorial powers—The rule of Dominic and expansion of his order—Its destination and duties—The Dominicans the *official inquisitors* of the faith—The inquisitor-general, &c.—Common character of the two orders—Differences—Effect of the discipline of the Mendicants on mind and body—Constitutional rule and organisation of the Dominicans—Their exemptions from episcopal control—Protest—Reformatory ordinance of Innocent IV.—repealed by Alexander IV.—Corruption and degeneracy of the Mendicant orders—Their mutual jealousies and quarrels.

1. Fundamental principle of the theocratic government of Rome.

At the culminating period of the pontifical power—that namely at which it had acquired its firmest establishment and greatest expansion—we find the political edifice to have been built upon the naked proposition that *the bishop of Rome is the representative of the Almighty upon earth:* that he is consequently the guardian and interpreter of His word and dispensations; and—as a necessary corollary—that all earthly power is subordinate to the spiritual power in every respect either mediately or immediately touching on or affecting religion or its chief.

2. The *visible Church* is to be discerned solely in and through the Roman pontiff, and the priesthood of which he is the irresponsible head: that Church is conceived as compounded of body and soul; by the former the indwelling authority imparted by the divine commission can alone acquire externally operative powers, and be manifested to the world as a visible government, capable of fulfilling the purposes of the divine Founder.

2. The *visible Church.*

3. The *outward body* of the visible Church consists in its territorial fixity and its material endowments; for without these it would stand in the world of action as a soul without a body, immaterial and incapable of external manifestation: therefore the spiritual sovereignty in its nature involves a temporal position equally independent of all external control with that transcendental spiritual prerogative with which it is clothed by God Himself: accordingly the pontiff of Rome steps necessarily, and by divine right, into the position of a temporal monarch; the possessions attached to his chair being simply part and parcel of the one sacred body in whose single head are centered all the powers and faculties by which the functions of the natural body are governed to their proper purposes.

3. The *outward body* of the Church.

4. The title of the Church, in its head and members, to its possessions and endowments, is indefeasible by lapse of time or counterclaim; so that whatever may at any time, in fact or constructively, have formed a part of those possessions and endowments, is inalienable, and may be reclaimed and reduced into possession, notwithstanding any length of adverse possession, secular custom, or statute to the contrary; in particular, no state-law or political ordinance can operate against the continuous claim—the *clamor perpetuus*—of the Roman pontiff, whether founded upon former possession or upon documents that might at any time have been exhibited as the foundation of such claim.[a]

4. The *title* of the Church to its possessions, &c.

[a] As, for instance, the fictitious donations of Constantine the Great and the

5. The Pope is of divine right the supreme arbiter and dispenser of all spiritual power and dignity, and the *ultimate judge* in all causes and controversies touching immediately or remotely upon any religious interest. Attempts by word or act to limit this jurisdiction, or to impede his communications with the ministers of the Church in all the world, fall under the various charges of blasphemy or heresy or schism; offences which call down the divine wrath upon the heads of the offenders, and consign them by pontifical sentence to temporal and eternal death.

5. The Pope the *ultimate judge*, &c.

6. By the same right the Pope is to be regarded as the supreme, though not the sole, dispenser of temporal office or dignity. The power of emperors and kings is derivative; *his is original.* From his sanction earthly sovereigns derive their titles; and he himself confers or takes away at pleasure royal diadems, distributes the lands won from infidels or heretics, and puts the arm of the civil magistrate in motion to execute his judgments, and to reduce into possession all to which it might please him to make a title.

6. *Temporal office* of the Pope.

7. The Pope of Rome combines in his own person all the attributes of a supreme *criminal judge*, for the punishment of the transgressions and crimes of kings and princes; and is, for that purpose, armed with divine authority to excommunicate and depose monarch and noble of every rank, and to absolve their subjects from their allegiance, and every other obligation; if needful, to dissolve all the bonds of society; and, as the agent of the divine government, to have recourse to any of those afflictive dispensations for which precedents may be found in Scripture,—the same in kind and degree with those by which the Almighty Ruler punished the offences of wicked kings and perverse generations of men.

7. The Pope the *supreme criminal judge* of princes, &c.

8. But of all the duties imposed upon him, the first

Emperor Louis the Pious; the grant of Pippin, or the charter of Charlemagne. Conf. *Cath. Pet.* Book iv. c. vi. p. 388; c. vii. p. 413 et sqq. to 418; Book x. c. vi. pp. 286, 314, 315, 357, 390, 391; Book xi. c. vi. p. 609.

8. Powers and *modus operandi* of the Pope as *guardian of the faith.*

and foremost is that of maintaining the integrity of *the faith* as transmitted to him from his predecessors, or defined by himself as head of the Church. He was consequently empowered to repress dissent in every shape; to claim and to exercise supreme control over the religious conscience; to persecute to extermination all who venture to dispute this supreme prerogative, as rebels and traitors to God and His Church; and at any time to call upon the secular government, without compensation, to lavish life and money, labour and feeling, to enable him to maintain the integrity of the spiritual empire.

Effect of the systematic inculcation of these principles.

Throughout the preceding ages of papal history these principles of government had been so ostentatiously and systematically paraded before the people and rulers of Christendom as to have, in a great measure, diverted their attention from the natural course of political development into the theocratic channel;—to have sunk into their minds, and accustomed them to regard with a certain indifference, those inroads upon national laws and customs which, in the natural course of things, must ultimately transfer the supreme authority of the State into the hands of the Church and her autocrat, and transform the holders of secular power into the simple agents and ministers of the spiritual monarch at Rome.[b] For ages past these inroads had been tacitly submitted to by the nations of Europe; every instance of such submission had been recorded and treasured up by the court of Rome as pregnant acknowledgments of *a true monarchical superintendence*, extending not merely to all political measures that might affect the interests of the great sacerdotal body and its imperial chief, but to the command of all the material and financial resources of the subject states and kingdoms for the extension of the power and dominion of the head of the Church. This scheme had been fully elaborated and brought to the knowledge of all men by pope Innocent III.; it had been adopted by a large majo-

[b] Conf. Book xiii. c. ix. p. 628 of the *Cathedra Petri.*

rity of the Latin clergy; and in the absence of any general or legislative contradiction, it appeared for most purposes as a legalised form of government from which no parties, civil or ecclesiastical, could depart without imminent danger to their eternal interests.

Opposition to the principle, &c.

The pervading impressions of the character of the pontifical authority were as they are here described. But they stood in so many respects in contradiction to some of the most cherished traditions and habits of nations and their rulers as to have met only with a timid and half-hearted assent, and to have been occasionally encountered by at least a passive and inert resistance. But direct opposition to the principle of papal ascendancy had been heard in a single quarter only. The Germanic sovereigns, more especially those of the race of Hohenstauffen, *had denied the right of the bishop of Rome to sit in judgment upon, to excommunicate or depose a Roman emperor*, or *to dissolve the allegiance of his subjects*. The imperial crown, they maintained, was no less of divine appointment than the papal mitre; both stood on the same level of authority and dignity; neither was greater or less than the other; consequently neither could pretend to penal jurisdiction over the other. On the opposite side it was contended that an emperor was an essential member of the church constitution; for that he was its appointed defender and advocate, and in that capacity neither more nor less than a limb of the composite body called the Church, and therefore subject to its head.

Popular idea of the empire.

But in the estimation of Christendom the Emperor of the Romans stood before the world as the representative of the monarchical institution; he was the abounding fountain of worldly rank and honour, and in a manner pledged to the protection and conservation of the prerogatives of monarchs and nobles. Till the court of Rome assumed the like privilege, he was the *only* king-maker; nor was the concurrent action of the Popes regarded in lay contemplation as other than a sanctifying and confirmatory, not a creative, function. This view was, however, not merely

Irreconcilable antagonism of the two principles.

a deep wound to the personal dignity of the pontiffs, it dealt a blow at a vital principle of the pontificate itself. There could not be two suns in the same firmament, two sources of power on the world's throne, coördinate to and mutually irresponsible each to the other. The eradication of this vicious state of public opinion had been for ages past the main problem of the papal policy. But hitherto the efforts of the court of Rome to force the successive governments of the empire—more especially after the accession of the Hohenstauffen line—into the groove hollowed out for them by Rome, had been repelled or evaded; and the error of Innocent III. in promoting a union of the crowns of Sicily and Germany upon the head of a Swabian prince, placed the papacy in a position of such imminent peril as to suggest to his successors no means of escape but in the ruin of the hostile race. It is true that Innocent had obtained a pledge of an eventual separation of the two crowns; but the trial proved too severe for the fidelity of Frederic II. The renunciation was indeed wholly uncompensated. Sicily belonged to the son of Constantia by inheritance; the crown of the empire, by election and adoption. The momentary advantage derived from the papal patronage was speedily obliterated from the memory of the active, ambitious, pleasure-loving youth. The land of his mother was the home of his habits and affections; the inheritance of his fathers lay far away; and the government of the distant empire was beset with toil and difficulty, which must for ever estrange him from the land of his birth. In the conflict of incompatible duties inclination and feeling turned the balance, and the emperor Frederic II. committed the flagrant error of taking his stand upon the weakest ground at his command, with the notable disadvantage of a character tainted by breach of faith.[c]

Frederic II.

But though the principle of the imperial govern-

[c] The diplomacy of Frederic II. kept this awkward dilemma as much as possible out of sight. The renunciation of the crown of Sicily was never withdrawn; but without the remotest intention to fulfil the engagement.

ment was the great difficulty of the pontifical policy, it was not the only source of obstruction to the fuller accomplishment of its ultimate purpose. The secret sense of disgrace and humiliation incident to the harsh and uncompromising, and, we may add, the corrupt exercise of the papal powers in almost every region of the Latin communion, had brought forth a spirit of passive resistance which chafed and fretted the arbitrary and impatient temper of the curia. In France as in England there had arisen a formidable opposition to the more galling and offensive pretensions of the papacy.[d] The voice of complaint from both countries was loudly reëchoed from Germany. These symptoms of a rebellious spirit kept the court of Rome anxiously upon the look-out for every aid that could be drawn from the rude piety, the conflicting interests, the jarring passions of princes and peoples. In one respect the state of the public conscience was, if duly managed, eminently calculated to strengthen the hands of the papacy; and the opportunity afforded by the establishment of the *Mendicant orders* founded by Francis of Assisi and Dominic of Calaruega, was eagerly seized upon to enlist the religious sentiments of the commonalty in favour of Rome, and to secure the services of a trained and disciplined soldiery, fully equipped and prepared for battle, wherever a position could be gained for them in the undefended area of Latin Christendom.

Opposition and resistance, &c.

The Mendicant orders.

The reflecting and the pious of all classes had, for ages past, never ceased to bewail the palpable decay of public morals, alike imputable to clergy and laity. The secular occupations, the voluptuous lives of the bishops and superior ecclesiastics, the accumulated wealth and luxury of the established orders of regular and conventual clergy, sounded in their ears as the death-knell of the Church, and the downfal of the religion of Christ. The world was in

Origin and progress of the Mendicant orders.

[d] Especially that of an almost unlimited taxation for purposes alien from the interests and inclinations of the tax-payers.

their view a hotbed of sin and misery, irreclaimable but by some visible interposition of Providence to arrest the progress of immorality, irreligion, and heresy. A consciousness of sin, a comfortless sense of moral reprobation, holding out no prospect of escape, suggesting no remedy, ran through almost every class of the Catholic community. But such periods of the world's history are precisely those at which the latent piety seated in the deeper folds of the human heart bursts the bonds which chain men down to earth with the more irrepressible force, imparting a new colour—a renewed power of life—to the principle and practice of religious government.[e] The views of Innocent III. in regard to the forlorn state of the outer world, and the necessity of an extraordinary remedy for the evils which afflicted mankind in the mass,[f] were sincerely adopted by all in whom the religious conscience was not wholly laid to sleep. But it occurred to none that the remedy was to be found elsewhere than in Rome; and in that channel the religious reforms introduced by Francis and Dominic naturally flowed. The religious aspirations of these men were exclusively governed by the laws and maxims of Latinism. Neither of them had risen an inch above his age—neither of them had framed for himself an independent basis of reformatory organisation. To heave from its foundations the enormous mass of evil with which they had to grapple, they knew of no independent fulcrum;—they could discern no effective support for their reforms but in harmonising them with the estab-

[e] Conf. the observations of *Hurter*, Gesch. Pabsts Inn. III. vol. iv. p. 184. Saints have often abounded where sinners were the most numerous. To such states of the public mind we may trace an efficient cause of those religious movements which have from time to time revolutionised the world, and which, if they have not reformed it, have diverted its infirmities and vices into different and perhaps more manageable channels. The irreclaimable corruption of the Eastern world was one of the principal causes of the success of the Mohammedan invasion. It can in fact be hardly questioned that the progress of the earlier preachers of the gospel was promoted by a mortifying sense of moral reprobation among large sections of the Hellenic and Latin communities. Hence the multitude of anchorites and recluses; and hence, in the most degraded ages of the mediæval period, the multiplication of monastic establishments, the extravagant penances, the unheard-of macerations, and spasmodic struggles to attain to the stereotyped ideal of spiritual perfection.

[f] Conf. *Cath. Pet.* Book xiii. c. ii. p. 349 et sqq.

lished forms of the convent in increased severity and more inexorable discipline; bringing them thus into connection with the source of spiritual power, and throwing themselves and the fraternities they had collected at the foot of the pontifical throne, a living sacrifice holy and acceptable unto Rome.

Francis of Assisi was a man of the purest personal religion. But that religion was strictly toned down to the established standards of monastic merit. In early life he had collected about him an inconsiderable number of like-minded persons; these he sent forth throughout Tuscany and the adjoining provinces to preach repentance, and to set an example of purity of life and renunciation of its enjoyments and comforts, which should kindle into a flame the smouldering embers of devotion in the hearts of their hearers.[g] With unexampled rapidity the new association spread over every part of the Italian peninsula: it speedily traversed the Alps into France, where convents were established in all the principal cities and towns; thence it passed into Spain and England and the Netherlands: thus in an inconceivably short space of time—not more than fifteen years—the new order of Minorite friars numbered eighty conventual houses scattered over almost every region of Europe from the Vistula to the Ebro and the Tagus.[h] Francis himself lived to preside over a general assembly of his disciples numbering no fewer than 5000 brethren (A.D. 1219). He was withdrawn from the scene of his labours and successes[i] within the short space of twenty-five years from the outset. Subsequently to his death the order advanced with an accelerated movement, so that forty-five years later a catalogue of houses and numbers exhibited at the great congregation of the Minorite order held at Narbonne, disclosed the surprising total of 8000 monasteries and nunneries, inhabited, at the lowest computation, by upwards of 200,000 inmates.[j]

Francis of Assisi.

Expansion of the order of the *Minorite friars.*

[g] *Fleury*, H. E. tom. xvi. p. 414.

[h] *Helyot*, Hist. des Ordres Monastiques, tom. vii. p. 27 et sqq.

[i] He died in the year 1226, aged forty-five.

[j] These houses were, for the pur-

Theory of reform introduced by Francis

The theory of the reform contemplated by Francis was built upon a presumed imitation of Christ and His apostles. But in this he adhered closely to the letter of certain select scriptural precepts, heedless of the liberal self-adjusting spirit of the Gospel dispensation. He proposed to accomplish the great objects of the new institution by that spiritual illumination by which the primitive preachers of the word had been guided into all truth. He regarded worldly knowledge as the stumbling-block of the faith—theological study as encouraging vain subtleties and dangerous speculations. He prohibited his disciples the study of any other books but the gospels: faith, courage, and untiring zeal, were the only qualifications he desired his preachers to possess. But the reins of government had hardly passed from his hands when it was found that this rigid mysticism was unsuited to the purposes of the institution. The second grand master, Elias of Cortona, attempted to mitigate some of the narrower rules and severer practices enjoined by the founder; either with a view to accommodate them to his own larger views for the aggrandisement of the order, or to enable them to enter the field in competition with the more liberal scheme of the founder of the new order of Friar-Preachers, which, under Dominic of Calaruega, had already made a progress rivalling that of the Franciscans in the esteem of the Church and the public. The puritans of the latter order—those who boasted of deriving their inspiration solely from their sainted patriarch—opposed, and for a time defeated, every plan of enlarging the principle of the association. Among these, Antony of Padua was the most conspicuous. With burning zeal and natural eloquence he combined an infantine simplicity and ignorance; and he went forth to preach in the firm persuasion that he could, by the profundity of his faith and the inward light vouchsafed to him, put to shame

departed from.

Antony of Padua.

poses of government, divided into thirty-three provinces. A century later they appear to have been reduced by the pestilence called the "black death" to 150,000. *Hurter*, ubi sup. p. 184.

the pride of human learning. His passionate addresses spread his reputation among the populace, and from the crowds he collected many a new disciple was added to the fold of St. Francis. But the triumph of the puritans was of no long life. It was speedily felt that the credit and influence of the order in those quarters where it was most important to uphold it must sink before the well-regulated and ably directed efforts of their rivals. The government of the order speedily passed into other hands within the current century. The grandmasters Bonaventura, Thomas of Aquina, Albert the Great, Vincent of Beauvais, Roger Bacon, and many others, redeemed the reputation of the order, and earned for it a lasting claim to the gratitude of the learned and religious world as legists, professors, statesmen, confessors, and preachers. The great cities of Italy conferred upon them municipal offices and prominent posts in the government. Difficult negotiations were frequently intrusted to their experience and discretion.[k] Abroad, they endeavoured, by pompous and imposing missions, to captivate the attention of the populace, till at length they came to be regarded as the sole proprietors and dispensers of the balm which should heal all spiritual diseases, and even as the most trustworthy advocates of private and corporate rights. The court of Rome at once acknowledged the importance to its interests of a force drilled on the principle of passive obedience, and always at command for any duty that might be intrusted to it. Day by day special and exceptional privileges were conferred by the popes upon the Mendicant orders. They insinuated themselves into the confidence of kings and princes; they held offices of trust about the courts and in the councils of sovereigns.[l] The bishops found their influence abridged and their

Revolution in the principle and practice of the order.

Adoption of the order by Rome.

[k] *Raumer*, iii. p. 710, collects several instances of the political activity of Franciscans, Dominicans, and Augustinians. Among these, the Dominican John of Vienna appears to have been the most successful.

[l] Louis IX. (St. Louis) was a great patron of the Mendicants.

privileges curtailed by the incessant intrusion of Minorites and Dominicans; and the visitatorial powers over churches and monasteries, frequently intrusted to them by the popes, bred a degree of jealousy and animosity between the secular clergy and the regulars, which, under proper management, enabled the pontiffs to divert their superfluous energies into a safer course, and to check that exuberant zeal which had at times given much trouble to the commanders of the faithful.

The Cistercians and *Dominic of Calaruega.*

Under Innocent III. the Cistercian order[m] had enjoyed the greatest share of the papal favour.[n] For the immediate purposes of that pontiff no more serviceable agents could have been found. But it was by this time obvious that the swarms poured forth from the Cistercian hives for the holy wars of the Pope were fitter implements of destruction than of reconstruction. It was felt that the task of reducing these hooded marauders to order, or to subject them to any kind of discipline, surpassed human cunning. Dominic, though sometime their companion and fellow-labourer, had abandoned the attempt, and resolved to

Plan of Dominic.

lay a foundation for a scheme of discipline which should substitute a far more systematic plan of conversion for their rude and brutal methods. That plan contemplated, in the first place, the rigorous maintenance of one uniform profession of faith; and, in the next, he desired, in imitation of Francis of Assisi, to set an example of abstinence from all those vices and indulgences which had brought the Church into disrepute, and contributed greatly to justify the reproaches of dissenters and heretics, and to alienate all in whose hearts the example of Christ and the precepts of the gospel might still find a home.

The religion of Dominic was sincere, but formal and systematic. With a burning zeal for the interests of the Church he combined the spirit of order and method.

[m] Reformed Benedictines.

[n] Conf. vol. v. Book xiii. p. 661, of the *Cath. Pet.*

Introduction and establishment of the new order of *Friar-Preachers* or *Dominicans*.

The indiscriminating cruelty,[o] the undisguised rapine, the coarse immorality of those pretended soldiers of the cross with whom he had hitherto acted, might jar upon the trained and methodical spirit of Dominic. Thus, but a few years after the beginnings of the Minorites, under Francis, in the crisis of the blood and slaughter of the Albigensian massacres, and in the very focus of heresy,[p] he established his first monastery. The inmates were in great part selected from his own converts from heresy, assisted by the few companions he had brought with him from Spain and Italy. From his first station at Toulouse the new order diffused itself over most parts of Europe hardly less quickly than that of the Minorites, though not in equal numbers. Though, while Innocent III. lived, neither Dominic nor Francis made the advances they were afterwards enabled to achieve,[q] these patriarchs of mendicancy went on their way undismayed through their period of trial.

Progress of the Dominicans.

Dominic established his first Italian monastery at Venice. Shortly afterwards two others sprung out of the ground at Bologna. Two years after the death of Innocent (A.D. 1218), a Dominican monastery was founded at Syracuse, and a little later a second at Palermo. Pope Honorius III., who succeeded Innocent, declared himself the supreme patron of the Mendicant orders; and in token of his favour conferred upon Dominic and his family, in the first instance, the church of St. Sixtus, with an adjoining building for a monastery; and afterwards established them in the church of St. Sabina, within the precincts of the pontifical palace,[r] with cure of souls. In this new abode Dominic took upon himself the gratuitous duty of rebuking the vices and irregularities of the servants and attendants of the court. The practice was approved, and subsequently

[o] Not that he objected to the cruelty, but to the injudicious exercise of that mode of conversion.

[p] At Toulouse, A.D. 1210.

[q] He could not obtain, as elsewhere observed, more than a verbal approval from that pontiff. Conf. *Cath. Pet.* Book xiii. c. ix. p. 662. The great patron of the Cistercians could hardly afford any decisive countenance to the intrusion of a new order into the function they had hitherto performed with such exemplary zeal and activity.

[r] *Helyot*, ubi sup. p. 243.

ratified by the establishment of the general of the order in the office of *Master of the Sacred Palace*, with a permanent residence in Rome. In the year 1218 the fraternity took root in Poland and the northern regions of Europe; and in the same year Spain was added to the spiritual conquests of Dominic. In Germany, up to this time, no immediate advance had been made; but before his death, he was gratified by a pressing request from the bishops and cities of the transalpine empire to send a colony of the order to that benighted region. The requisition was forthwith complied with, and the new-comers were everywhere and by all classes received with a hearty welcome. In the following year the Dominicans were introduced into Scotland by the pious king Alexander II. In France, monasteries of the order multiplied in the more populous cities, especially at Paris, Rheims, Limoges, Orleans, and many others; and thence the order expanded itself with similar success over Belgium and the Netherlands.[s]

The general of the Dominicans made the *Master of the Sacred Palace.*

Pope Honorius III. had hastened to adopt the order into the general church constituency.[t] He instructed patriarchs, archbishops, and bishops, to receive and entertain them, to respect their privileges, and afford them the amplest facilities for the exercise of their calling. Dominic had not included mendicancy in his earlier project; but the example of Francis was contagious, and the general adoption of his discipline seemed to point to the cause of his success. It was accordingly proposed and resolved at a general congregation of the Dominican order assembled at Bologna under the presidency of the patriarch himself, to renounce all worldly goods, and to live solely by the alms of the faithful. The patriarch died in the year 1221; but before he quitted the scene of his labours he had the gratification of numbering no

Adoption of the order by pope Honorius III.

[s] *Wodding* Ann. Ord. S. Fr. iii. 439; *M. Paris*, pp. 353, 465, 470: and conf. *Raumer*, ubi sup. p. 614.

[t] By a bull dated the 22d Dec. 1216. *Helyot*, ubi sup. p. 204; *Hurter* Leben Inn. III. &c. iv. p. 231 et sqq.

fewer than sixty monasteries of his order in various regions of Christendom.[u]

Neither Dominic nor Francis had stood forth as legislators. Though the principles and purposes of the new associations were clearly conceived, both by the founders and their disciples, the task of reducing them into preceptive form, and organising the machinery necessary to impart vigour and direction to their design, was left to their successors. It was understood that the threefold principle of poverty, obedience, and chastity, was to lie at the basis of discipline in both institutions. In the origin of the Franciscan order the vow of poverty entered more emphatically into the contemplation of the founder. Dominic appears to have adopted it rather as a wholesome practice than as a rigidly restrictive principle. He himself had in the first instance accepted endowments, and had renounced them rather as a matter of expediency than of obligation. His design had taken a direction in many respects different from that of Francis. Moral reformation had entered into it rather as a means of success in his ulterior object than as the primary intent and aim of the association. And so it was understood by pope Honorius. The duties proposed by the charter of institution were, to preach the Gospel in the Latin form to all nations, and to uphold the purity of the faith of Rome against all gainsayers, opponents, or heretics. For these purposes the designation of *Friar-Preachers* was adopted as the name of incorporation,[v] and an unlimited license granted to preach in all places and on every convenient occasion, to receive confessions, to administer the sacraments of the Church, and to perform all ordinary sacerdotal offices. The same functions had indeed been conferred on the Franciscans; both orders had assumed the duty of watching the progress of heresy, and inquiring into the faith of their hearers; but this office was less suited to the quietude of the Franciscan discipline than to the more active character of the Dominicans. The

Differences in the original design of the Franciscans and Dominicans.

Functions and privileges of the Friar-Preachers.

[u] *Hurter*, ubi sup. iv. p. 246.

[v] Fratres Prædicatores.

career of the founder himself had begun in the focus of religious hatred and persecution;[w] and the inquisitorial office soon came to be regarded as the proper function of his order. But as this function was accompanied with some extraordinary expenditure, the rule of absolute poverty was in a degree relaxed; his disciples were permitted to accept bequests of land and chattels, but these he directed to be immediately sold, and the proceeds applied to the purposes of their mission. An abnormal power was given to absolve all persons who should enter their order from excommunication, except in those flagrant cases reserved to the Pope alone. In the exercise of the inquisitorial powers they were exempted from the episcopal jurisdiction; every obstruction proceeding from the ordinaries in provinces and dioceses was scrupulously removed; no bishops could cite, no prelate of any rank could excommunicate them or those whom they might take under their protection or into their confidence. The same indulgences were indeed extended to both orders; but for different purposes. While the preachers assumed the character of guardians and champions of the faith, the Franciscans dropped into the equivocal occupation of collectors and money-agents of the court of Rome; and both were for their several purposes amply supplied with ever renewed and renewable indulgences, exemptions, and spiritual privileges, which enabled them to set all ordinary discipline and subordination at defiance, and discharged them from all dependence excepting that of their patron the Pope.

The inquisitorial powers.

Dominic had chosen the rule of St. Augustine as the basis of his discipline. That rule, as then understood, imposed seclusion from the world and all worldly interests—a complete severance from all the sympathies of family and society, and an absolute devotion of all the faculties of mind and body to the interests of religion. But those interests were speedily narrowed to the aggrandisement

The rule of Dominic, and expansion of his order.

[w] As a Spaniard, he was born to hatred of the infidel Saracen; as a divine, his aversion for heresy was, if possible, still more intense.

of the order, and through the order, of the Church with which it was incorporated. For the purposes of government the fraternity was distributed among eight provinces, corresponding with the kingdoms and countries in which it was established.[x] The objects handed down from the founder were defined to be, the maintenance and propagation of the Gospel doctrine among the laity, and the purification of morals among all classes, whether laymen, clergy, or monks. For this purpose, as already mentioned, independent powers to preach and to convert were granted; failing argument or persuasion, they were authorised to drive back seceders into the bosom of the Church by denunciation and punishment, by death and torture, by incarceration or penance, or any of those depressing inflictions by which the stubborn spirit of the culprit might be broken, if his conscience might not be overborne.

Its destination and duties.

The motive for these extensive and anomalous powers lay clearly before the Pope and clergy. In spite of the exterminating massacres in France by the procurement of Innocent III., heretics swarmed in that country, in Belgium, Germany, and Northern Italy. But within the first quarter of the thirteenth century the missionaries of the bishops, though seconded by the swarms poured forth from the Cistercian cloisters, had been found inadequate either in numbers, zeal, or learning for the task committed to them. Their efforts, though attended by boundless bloodshed and inhuman cruelty, had been too desultory and ill-directed to achieve decisive success; and their immoral practices, rapacity, and violence had brought discredit on the Church, and made them a byword of scorn and

The Dominicans the *official inquisitors* of the faith.

[x] To wit, Italy, Spain, France (especially Toulouse), Lombardy, Rome, Provence, Germany, and England. Under the government of the legislator of the order, Raymond de Pennaforte (circa 1228), the order of the Friar-Preachers was perhaps the most widely diffused, as it was certainly the most perfectly organised of any of the subsisting monastic orders. It boasted, towards the beginning of the eighteenth century, of having given to the Church three popes, 60 cardinals, many patriarchs, 150 archbishops, 800 bishops, a multitude of saints and martyrs, and masters of the Sacred Palace (inquisitors-general), an officer appropriated by Honorius III. (A.D. 1228) to the order of St. Dominic.

contempt alike to the pious churchman and the hardened heretic. Though it may be doubted whether Dominic ever personally exercised the office of inquisitor-general, it is quite clear that concurrently with the incorporation of the Friar-Preachers by Honorius III., and the settlement of the office of Master of the Sacred Palace upon the order, all the most important duties of the inquisition of the faith had devolved upon it. The first trial of the efficiency of the order for this task was made by pope Gregory IX. in the year 1232. The tribunal of inquisition established at Toulouse[y] was assigned to the Dominicans. From that city the new institution passed into Italy, Germany, Poland, and other remoter countries, in almost all of which the duties of the office were handed over to Dominicans. In thirty-two cities of Italy; one or two in France; in Germany in the city of Cologne, they exercised the office as delegates of the College of Cardinals composing the so-called *congregation of the Holy Office* at Rome. But as the master of the sacred palace was an *ex-officio* member of the congregation, the appointment of provincial inquisitors soon fell almost exclusively into his hands. At all events, until a later period of history, it was generally understood that the grandmaster of the Dominicans was the *ex-officio* inquisitor-general, and the friars of the order the proper officers of the tribunal.[z]

The inquisitor-general, &c.

The new orders offered points of resemblance which recommended them to the special patronage of the court of Rome. In all material matters their discipline was the same. Both professed to derive their vitality from Rome; from her they derived the breath of life and the powers of external action: till called into being by her inspiration, their faculties were as yet inert and dormant; but after that they became endowed with an exuberant life, a bounding activity, which fitted them for any service that might be required. The Dominicans became the heavy-armed troops of the spiritual host; the Francis-

Common character of the two orders.

[y] The inquisition of Toulouse was the prototype of all the rest.

[z] *Helyot*, ubi sup. p. 220 et sqq.

cans the light brigade, for driving-in stragglers and collecting the material sinews of war. The founders and their earlier disciples bore a strong family likeness. Both were equally intolerant of sin and evil in themselves, and overflowing with affectionate regard for those of their own communion; both were equally prepared to exhaust the quiver of human and divine wrath upon opponents or gainsayers; both were equally ready to sacrifice life, and all that gives it value, in the service of God and the brethren, and to vomit flames and destruction against all who trespassed an inch beyond the limits of Roman orthodoxy. Doubtless the love of God dwelt in the hearts of these men; but their God dwelt in Rome; there alone He was enthroned. They hated sin in themselves and others; but they hated the sinner worse than the sin.

Differences.

But here the parallel ceases. Dominic was a trained and educated warrior of the faith,—a persecutor upon principle, rooted in inclination and habit. Francis, though partaking to the full of the attachment of Dominic to Rome, and his hatred of secession and heresy, was a man of a simpler frame of mind and more ardent piety. His religious views were more exclusively directed to that model of perfection which had been from all time the spiritual El Dorado of ascetics and recluses. It was his purpose to exhibit to the world an example of holy life that should put to open shame the corruptions of the times; and in his own person, and those of his disciples, to establish a platform of apostolic living that should at all times and places post up, in large and staring characters, a standing rebuke to a profligate laity, an inert and voluptuous clergy, and a worn-out and useless monkery. Though no less possessed with the spirit of intolerance than his fellow-labourer, his temper was less adapted to the active warfare which formed the essential element in the character of the Spanish monk. Yet the sequel of our narrative will, we think, show that the order of Minorite friars rendered no less important services to the papacy than their contemporaries and rivals.

Effect of the discipline of the Mendicants on mind and body.

The scheme of life and discipline adopted by both orders,—their spare diet, their insufficient clothing, their bodily mortifications, their seclusion from the sympathies of social intercourse,—it is obvious made the smallest possible allowance for the natural connection between health of body and health of mind. Under such a training the mental faculties, if not of preternatural vigour, could never attain to a healthy maturity. Nor was such a state at all contemplated by their founders. It was intended that every thought and feeling should slide in a single groove; but a compensation was provided against the pressure of these unnatural renunciations: the belief in their superiority of spiritual attainment; the pride of association; the ambition of corporate power; the consciousness of the importance of their services as a constituent of the godlike institution with which they were embodied, and the prospect of playing a leading part in its government;—these advantages were to be to them an all-sufficient compensation for the abandonment of every blessing provided by Providence to smooth the path of man through a life of struggle and labour and suffering. Thenceforward they were to be aliens from human society, to obey one master: his service to be the single occupation of every faculty of mind and body.

Constitutional rules and organisation of the Dominicans;

The constitutional rule of both orders imparted that strength which always accompanies a suitable distribution of powers and duties. The reformed rule of the Friar-Preachers[a] vested the power of making general laws and regulations in a general assembly of the provinces. This assembly constituted a supreme court of appeal from provincial suitors and complainants. In all causes, as in all elections, the proceedings were conducted with the most *inviolable secrecy*. None but authorised members were admitted to their consultations; and every act of any moment was done with closed doors. The election of

[a] Drawn up by the grandmaster Raymond of Pennaforte.

the general or grandmaster took place in secret conclave. From him the provincial grandmasters took their instructions; and he, from the congregation of the holy office in Rome. The candidates for admission into the order were at once cut off from all secular occupations and connections, and inured to unreasoning obedience to their superiors. Heathen philosophy, worldly science, and the liberal arts were excluded from their studies; and their attention was confined to the stereotyped forms of Latin theology. The licensed inquisitors and preachers of the order passed through a severe examination on the vital subjects involved in their previous studies; and though, in the course of their ministrations, they were theoretically subject to the control of the ordinary of the diocese, yet special exemptions from episcopal jurisdiction were so easily and so frequently procured from Rome, as to remove every practical check upon their freedom of action. Both orders of the Mendicant family sprung from the same principle; and the Popes on all occasions hastened to recognise their exclusive character. Exemptions and privileges highly offensive to the secular and regular clergy were lavished upon them on every occasion of special, or even of ordinary, service, so as, in effect, to emancipate them from all government but that of their own superiors. But to that service they devoted themselves with unscrupulous zeal. In virtue of papal indults, they seated themselves in the professorial chairs of the leading universities; they celebrated their peculiar services; they preached, they confessed, they absolved, without stint, within strange dioceses, and in defiance of the privileges and jurisdiction of the ordinaries. Within a short space of time Minorite and Preaching friars had insinuated themselves into the confidence of courts and princes; by their incessant encroachments upon the privileges of other orders of clergy they had reduced their influence over their congregations, and transferred it to themselves. In the universities they boldly set all statutes and regulations

their exemption from episcopal control.

at defiance, and in the confusion created by themselves endeavoured to seize upon the sole management of those seats of education and learning.[b]

The Franciscans and the University of Paris.

The insolent and self-sufficient spirit thus improvidently fostered by the court of Rome was productive of some vexatious results. The celebrated university of Paris was distracted by the squabbles introduced by the encroachments of the Franciscan professors and readers. They attracted audiences by the novelty and extravagance of their expositions, and gave offence by the proud assumption of superior spiritual intelligence. The clergy of the university availed themselves of these extravagances to prefer charges of heterodoxy against their rivals.[c] An illustrious professor of theology, William of St. Amour, published in his own name, and that of the university, a voluminous protest against the Minorite corruptions and innovations (A.D. 1243); he exposed in eloquent phrase the idleness, the rapacity, the creeping hypocrisy, the money- and legacy-hunting, the extortions of the Minorites; their vagrancy, their encroachments upon all other spiritual office; the irrepressible importunity of their mendicancy, which, it was complained, made the people as much afraid of a mendicant monk as of a robber.[d] The grandmaster Bonaventura published a feeble defence of his order; but the very reforms he proposed admitted the existence of the evils complained of. Pope Innocent IV. was conscious of the danger to be apprehended from this diversion of the order from its proper objects, and issued some severe regulations for arresting the progress of abuses which, he foresaw, must tend to impair the usefulness of the institution and its members as agents and ministers of Rome. But a few years afterwards his successor, Alexander IV., repealed his reformatory ordinances; he condemned the work

Protest.

Reformatory attempts of pope Innocent IV.;

repealed by Alex. IV.

[b] See *M. Paris*, pp. 354, 620, et passim.

[c] *M. Paris*. p. 541.

[d] See *Raumur's* extracts from the work of St. Amour, vol. iii. pp. 615 and 623.

of St. Amour as a defamatory libel, and procured his banishment from France. The Mendicants were for a time victorious; but the opposition of the secular clergy kept pace with the pretentions and encroachments of the Friars, and often drove them into concessions and compromises which curtailed their influence and checked their triumphs.[e]

Corruptions and degeneracy of the orders.

Irrespectively of the speedy departure of both orders from the discipline of their founders, their secret jealousies of each other proved a material obstacle to their reputation in the world, and consequently to the desirable coöperation and efficiency of both in the service of Rome. Before the expiration of the half century from their first appearance, the purposes of the order had undergone a change. The exclusive devotion to the interests of the court of Rome, which animated the first disciples of Francis and Dominic had cooled down under the allurements of worldly advantage to which their spiritual successes had opened an easy access. Under the influence of rival competition for offices at court, and the task of cultivating and improving the opportunities for accumulating wealth and honours which were laid open to them by court favour, much of their primitive zeal had died away. They had descended into the arena of worldly politics, but it was rather for their own profit than that of the Holy See. Their adversaries had eagerly availed themselves of this weak point in their array. The task of unveiling the abuses which polluted the purity of their first profession presented little difficulty. They had rendered themselves obnoxious to all classes of churchmen by their irregularities, and their insolent assumptions of superiority.[f] And now the like sentiments produced the like effect in alienating them from one another, and bringing forth an abundant crop of heartburnings, jealousies, and quarrels, which gave serious uneasiness to their patrons at Rome. But pope Alex-

[e] *Raumur*, vol. iii. p. 625.

[f] *Ibid.* iii. p. 616; *Gudenus* Codex Diplomat. tom. ii. p. 655, and generally the letters of pope Alexander IV. between the years 1254 and 1259; *ibid.* pp. 648-664.

Their mutual jealousies and quarrels.

ander IV. stepped gallantly forth in their defence. He severely reproved and punished the authors of the libels published to blacken their fair fame. But the extreme indulgence with which they had been hitherto treated—the boundless reliance reposed in their fidelity, and the value set upon their past services—of which none were more sensible than the subjects themselves—had disturbed the calculated balance of powers in the state-spiritual. The two orders had obtained a preponderance in the Church constituency which had emboldened them in some sort to set up for themselves. They even ventured to assail their great patrons—the Popes—and fell foul of all persons and powers which presented a barrier to their exclusive pretensions or their cupidity. The misgivings, however, which these symptoms of mutiny may have suggested were overborne by the influence of their powerful advocates around the papal throne, and the necessity of conniving at the irregularities, and humouring the caprices of veteran hands familiarly acquainted with all the mysteries of the political and financial management of the court of Rome.

CHAPTER II.

REIGN OF FREDERIC II.—HIS CONFLICT WITH ROME.

Engagements of the emperor Frederic II. to the Holy See—Election of Honorius III.—his devotion to the crusade—Obstacles—Revolt of the Greeks against the Latin empire of Constantinople—Abortive expeditions of Andrew king of Hungary and the Rhenish crusaders—Disordered state of Europe—The crusade adjourned—The Emperor causes his son to be crowned, &c.—Frederic II. demands the imperial crown—Coronation of Frederic II. as emperor of the Romans—Pactions of Emperor and Pope—Impediments to the crusade—State of the Sicilian kingdom, &c.—Exhaustion of the papal treasury, &c.—Honorius III. reproaches the Emperor for his delays, &c.—Capture and subsequent surrender of Damietta—Further postponements of the crusade—General disinclination for the crusade—The expedition finally adjourned to the year 1227—The Lombards close the passes of the Alps, &c. —Complications—Death of Honorius III.—election of Gregory IX.—Character of Gregory IX.—Pestilence in the crusading army—The Emperor embarks, but returns, &c.—Dispersion of the armament—Excommunication of the Emperor—Reproaches of Gregory IX.—The papal censures—how met by Frederic—Imperial reply to the excommunication—Antagonism, &c.—Slanders, &c.—Probable intent of Frederic II.—Gregory IX. renews the curse and deposes the Emperor—absolves, &c.—The Emperor resolves to take the management of the crusade into his own hands—Additional offence of Frederic—Crusade of Frederic II.—Intense malice of Gregory IX.—The Emperor recovers Jerusalem and the Holy Land—Efforts of the Pope to impede the crusade—Complaints of the clergy and military orders in Palestine—The Pope in his absence invades his dominions—His return—Wrath of the Pope at the disappointment of his scheme for the ruin of the Emperor—Dilemma of the Pope—Treaty and absolution of the Emperor—Motives of the papal animosity—Legislation of Frederic II.—irreconcilable with the canon law of Rome—The Decretal of Gregory IX.—Objections to independent state-law—The legislation of Frederic II. as opposed to the canon law of Gregory IX.—Motives of the Pope for seeking a reconciliation with the Emperor—Terms of the treaty of St. Germano—Frederic II.—The Lombards and the Pope—The Romans quarrel with the Pope—Gregory IX. retires to Viterbo, and defeats the Romans—Suspicions of the Roman court—Merits of the question between the Emperor and the Pope—Intrigues of the papacy in Germany—Loyalty of the lay constituency of Germany—Failure of the attempt to introduce the Inquisition—Persecution of the "Stedinger"—Disaffection and revolt of the King-regent of Germany—Frederic II. in Germany—Degradation and imprisonment of Henry—The German estates declare Italy to be part and parcel of the empire, &c.—Frederic appoints his second son Conrad regent of Germany—Operations against the insurgent cities of Lombardy—Battle and victory of Cortenuovo—War in Lombardy

—Enzius declared king of Sardinia—Anger of Gregory IX. and second excommunication of the Emperor—Manifesto of the Emperor—Proceedings of Gregory IX. against the Emperor—Vain efforts of the Pope to create disaffection in Germany—Invasion of Europe by the Tartars—Council, and capture of bishops, &c.—Death of Gregory IX.—Cœlestine IV.—Election and death—Interregnum—Election of Innocent IV.—Innocent IV. retires into France—Innocent IV. curses the Emperor and accuses him of *heresy*—Great council of Lyons—The curse reiterated—Peculiar atrocity of the injury, &c. —Sources of mutual hatred—The bishops of Germany elect Henry of Thuringia king—Victory and death of Henry of Thuringia—Severities of the Emperor—His orthodox confession of faith—rejected—William of Holland elected and crowned by the clerical faction in Germany—War in Lombardy —Hopes of the Emperor—Turn of fortune, and death.

In the year following his inauguration as king of the Romans Frederic II. had entered into covenants with the Holy See to the effect:

Engagements of Frederic II. to the Holy See.

1. That throughout his dominions the chapters of episcopal churches and the elective officers of abbeys and monasteries should enjoy perfect freedom of election.

2. That there should be liberty of appeal to Rome in all spiritual causes, or those which might involve any religious interest.

3. That the "exuviæ" or personal estate of deceased bishops and abbots should no longer be seized to the use of the State.

4. That all diligence be given utterly to eradicate all heretical opinion or practice, and to exterminate all heretics from the imperial dominions.

5. That the Emperor-elect should surrender to, and maintain the Holy See in possession, as in fee simple, of all the lands and territories she had ever claimed against his predecessors; and specifically that these cessions should include the islands of Sicily, Sardinia, and Corsica, together with the whole of the Peninsula south of the patrimony proper; and to the northward and eastward of that territory, the districts known as the inheritance of the countess Matilda; the whole comprising all of Continental Italy lying between the river Po and the Faro of Messina.[a]

[a] Conf. *Cath. Pet.* Book xiii. c. vi. pp. 510, 511; he then holding—it will be understood—the kingdom of Sicily and Apulia as vassal to the Holy See.

6. That from the moment the King should receive the imperial crown, *he should abdicate the kingdom of Sicily and Apulia* to his infant son Henry, and himself cease fron using the title of king of Sicily and duke of Apulia, or in any way interfering in the government of the country, consenting at the same time to the appointment of a regency by the Pope during the minority of the prince; this abdication to be so absolute that the crown of the kingdom and of the empire should never be reunited upon the same head, but be, to all intents and purposes, severed from and independent of each other.[b]

7. That the Emperor, as the sworn soldier of the cross, should, whenever he should be thereunto summoned by the Pope, *personally* lead the powers of the empire against the infidels of the Holy Land until the deliverance of the sepulchre of the Lord should be accomplished.[c]

Election of Honorius III. His devotion to the crusade.

On the 18th July 1216 Cencio Savelli, a Roman by birth, was elected Pope at Perugia by the pontifical name of Honorius III. The whole attention of the new pontiff was devoted to the promotion of the crusade. The abated zeal of Europe seems to have added fuel to his intense desire to liberate the Holy Land from infidel desecration. At the earliest possible moment after his installation, letters of the most urgent exhortation were dispatched to the Emperor-elect, reminding him of his late vow for the deliverance of the holy sepulchre. The kings, princes, and nobles of France, Germany, Italy, Spain, and Hungary were equally besieged and harassed by the papal importunity; they were commanded without delay to collect ships, men, money, supplies, and arms; and received peremptory notice that the period of four years, fixed by the great council of the Lateran (1215) for the departure of the expedition, could on no account be exceeded.[d] But in Germany

Obstacles.

[b] Conf. especially *Cath. Pet.* Book xiii. c. vi. p. 513.

[c] Conf. observation on the engagement at p. 659 of the *Cath. Pet.* Book xiii. c. ix.

[d] See the letters in Reg. Hon. III. ap. *Raynald*, an. 1216, §§ 19, 20, p. 393, and an. 1217, § 18, p. 408.

public affairs were still thoroughly out of joint: Otto IV. was still living, and no manner of zeal for the holy war was to be kindled in the heart of the people by papal legates or preaching friars; neither men, money, nor supplies were forthcoming. The court of Rome was not even yet upon smooth ground with the estates of Germany respecting the immunities of the clergy;[e] nor had the Emperor-elect, during the intestine broils which troubled the earlier years of his reign, had leisure or opportunity either to collect his own resources, or to obtain from his reluctant estates the necessary support for an undertaking which, it was on all hands admitted, must put in requisition the wealth and the valour of united Christendom.

Revolt of the Greeks against the Latin empire of Constantinople.

But a concurrence of apparent accidents happened still more to darken the prospects of Honorius III., and to sober down the enthusiastic aspirations with which he had begun his reign. In 1217 he had, with his own hand, at Rome consecrated and crowned Peter de Courtenay emperor of Constantinople. But the unlucky candidate, on his way to take possession of his precarious throne, fell into the hands of his Greek competitor Theodore Angelus or Comnenus. The Latin empire, now fast breaking down under the feebleness of a minority and weakened by maladministration, was without a head, and beset on all sides by foes eager for the restoration of their religious and political independence.[f] The possession of Constantinople had become useless as a fulcrum of the projected expedition. True, that in the year 1217 Andrew king of Hungary had collected a small army, and, in conjunction with the duke Frederic of Austria, the king John of Jerusalem, and the military orders, had gained some successes against the Saracens of Palestine. True, that a considerable armament of German adventurers from the Rhenish provinces had boldly put to sea, and proceeded on their perilous voy-

Abortive expedition of Andrew king of Hungary and the Rhenish crusaders.

[e] *Rayn.* an. 1217, § 43, p. 416.

[f] *Gibbon*, Decl. and Fall, &c. vol. vii. pp. 336, 337, Smith and Milman's edition.

age as far as the mouth of the Tagus. But Andrew, dispirited by a serious check which arrested his career, and the difficulty of procuring supplies for his exhausted followers, returned home in disgust. Meanwhile the brave Rhinelanders had, at the solicitations of their Portuguese hosts, carried their arms with success against the infidels of Spain; an enterprise, they thought, equally meritorious with that they had set out upon against the infidels of Palestine.[g]

Disordered state of Europe.

These incidents seemed to point to the conclusion at which the more sober-minded had already arrived, that no general combination of the European powers could be profitably directed against the Saracens of Palestine until the restoration of domestic tranquillity in the several states should have been accomplished. In Germany the five or six years Frederic II. had been enabled to devote to that object had proved insufficient: England and Ireland were engaged in civil war: Scotland had made a compact of alliance with Louis, the excommunicated son of Philip Augustus of France. In that kingdom Simon de Montfort, the champion of the papacy, had still to maintain a doubtful contest against the expatriated counts of Toulouse and Foix, aided by the guardians of the infant king James or Jayme of Aragon.[h] In vain the court of France was called upon by the Pope to give its support to de Montfort, or to embark in a new crusade for the encouragement of the champion, or his patron the holy Dominic. The worst symptom of all, however, was the growing disinclination for that kind of adventure which had succeeded to the fever-heat of the crusading mania. Unless the smouldering embers could be again blown into a blaze, or some preponderant power precipitated

[g] The court of Rome had by this time taught the people of the West to believe the crusade to be equally applicable to all the enemies of Christianity, that is, of the Holy See. Innocent III. had given even greater privileges to the holy war against the Albigenses than to that of the holy sepulchre. The service against the infidel Moors of Spain was therefore naturally regarded as standing upon the same level. *Raynald.* §§ 31-34, pp. 412, 413. The Pope commended their zeal, but ordered them to resume their original purpose.

[h] *Raynald.* an. 1217, §§ 55-60 and 62, pp. 419-421.

upon the East by the thunders of Rome, there remained little prospect of making any decisive impression upon the Saracens of the Holy Land.

The crusade adjourned.

Thus, after three successive adjournments, within the extreme limit of time fixed by the council of the Lateran, it was agreed in the year 1218 that the departure should be further delayed till the 21st day of March 1220.[i] The Emperor-elect engaged at the expiration of that period to take the field with the collected forces of Germany and Italy; but, with a view to strengthen his hands for that purpose, he petitioned the Pope so far to relax the terms of his covenant with the Holy See as to leave him in possession of his hereditary crown for the term of his natural life. The pontiff rejected the request, and—somewhat inconsistently—insisted upon the initiation of the crusade at the period named.[j] The request must have been in itself sufficiently displeasing to a disciple of Innocent III.; yet it was followed by a step which seemed to indicate a criminal contempt of the papal authority.

The Emperor causes his son Henry to be crowned, &c.

In the month of April 1220[k] he caused his son Henry, a boy of seven years of age, to be elected king of the Romans. For ages past the court of Rome had claimed a consultative voice in the election of a king of the Romans. As a pupil of Innocent III. pope Honorius could not sanction hereditary succession in the empire.[l] No notice, however, of the intended election had been given to the Pope; and the excuses of the Emperor seemed, to the fastidious ear of the court of Rome, to savour strongly of evasion or dishonesty.[m] But to quarrel with the Emperor-elect at this moment would be to postpone indefinitely, or to abandon the crusade altogether. The disturbances prevailing between the Guelfic and Ghibelline republics of Northern Italy, he felt, must cut him off from all the

[i] The latest period fixed by the council would expire in November 1219.

[j] *Murat.* Antiqq. &c. tom. ii. p. 714. *Regist. Hon. III.* lib. iv. p. 593, as quoted by *Raumer*.

[k] The year of the coronation.

[l] Conf. *Cath. Pet.* Book xiii. c. vi. p. 470 et sqq.

[m] *Reg. Hon. III.* lib. v. ep. 40, ap. *Raumer*.

resources to be derived from those opulent and powerful communities. The violent censures by which he hoped to compose these dissensions had led to consequences the reverse of those he had expected from them. Some of the cities resorted to a singular mode of retaliation. They enacted a species of civil excommunication against the papal clergy, by which the offending priesthood were cut off from all social intercourse with their fellow-citizens, and declared incapable of holding any civil office or emolument.[n]

Though at this period strong suspicions were entertained at Rome of the sincerity of Frederic II., either in the matter of the crusade, or of other covenants antecedently entered into with the papal court; yet, under actual circumstances, the Pope could not venture to refuse him the imperial crown. The mode of proceeding of the Emperor-elect on the occasion seemed to confirm this suspicion. His chancellor was sent before him into Italy to demand the unconditional oaths of allegiance and the usual services from all the Italian cities and feudatories of the empire. In the proclamation he styled himself *King of the Romans and of Sicily;* and the magnates of the latter kingdom and the Apulian provinces were summoned to attend the august ceremony *as estates of the empire.*[o] The shock of these initiatory proceedings to the court of Rome was severe. The imperial crown was regarded by the Pope *not* as a right, but as a *gratuitous gift.* Yet now, on the eve of the covenanted separation of the two dominions, the estates of both were treated as constituent parts of the one undivided empire. The Emperor, however, thought —and thought rightly—that before he could safely venture upon an expedition to Rome, he must in some sort provide for the pacification of Northern Italy. This was

Frederic II. demands the imperial crown.

[n] They passed a law by which if any citizen in illness should be weak enough to apply to a priest for the offices of the Church, he should, if he died, be deprived of burial among Christians, or, if he survived, be mulcted of all his property. *Reg. Hon. III.* lib. v. ep. 178, p. 435. The clergy, it seems, were at this time subject to severe persecution in Lombardy and other parts of Italy. *Sismondi*, Rep. Ital. &c. tom. ii. p. 443.

[o] *Sigonius*, De Reg. Ital. lib. xvii. inter literas. *Morney*, Myster. &c. p. 327.

a task of great difficulty, and yet it was essential,—if for no other reason,—to the performance of his covenants with the Holy See. Frederic II. had bound himself to deliver over, in their utmost extent as claimed, the lands of the countess Matilda into the hands of the Pope. It had never been the practice of Rome to make allowance for the obstacles to be encountered in the performance of any article of treaty with the Holy See. Literal fulfilment had always been insisted upon, and every departure—though often unavoidable or attended with extreme difficulty—was alleged as proof of deliberate perfidy.[p]

Coronation of Frederic II. as emperor of the Romans.

With all these embarrassments, however, the Emperor-elect found that he could rely upon the loyalty of the Ghibelline cities and estates of Lombardy. Notwithstanding his suspicions and misgivings, the Pope had honestly done his best to smooth the path of the Emperor; and in return Frederic himself renewed and confirmed all the engagements he had contracted with the Holy See since his accession to the crown of Germany.[q] Leaving behind him the disaffected city of Milan, watched by his allies in the north, the imperial host reached Rome on the 22d of the healthy month of November. The Emperor-elect was received with loyal demonstrations by the pontiff and citizens of Rome, and was solemnly crowned emperor of the Romans by pope Honorius III. in the basilica of St. Peter. Here again the monarch solemnly took the cross; he vowed to send forward a detachment of his army to Palestine without loss of time, and to follow it in person with the remainder, on or before the month of August in the following year 1221.

[p] The claims set up to various parts of the alleged inheritance of the countess Matilda, grounded upon ancient possession or simple usurpation, required lengthened investigation; which, however, the papacy never admitted against its ancient claims. Add to this that the unextinguished remains of heresy in the northern cities contributed no little to feed the spirit of disaffection which had exposed the clergy to persecution, and weakened the influence of Rome among these turbulent commonwealths.

[q] The covenant of 1220 was nearly identical with that of Eger in 1213, as confirmed at Strasburg in 1215, and at Maintz in 1219. Conf. *Pertz*, Mon. Germ. Leges, tom. ii. pp. 224-243, where these compacts are set out at length.

The executive measures adopted by the Emperor immediately after his coronation proved his desire to establish a perfect understanding with the Holy See. The temporalities ceded by the previous capitulations were set out and defined with all the precision of which they were capable, and the landholders and magistrates of the ceded districts were commanded to transfer their duty to the new sovereign on pain of military execution: all laws and customs inconsistent with the *liberties* of ecclesiastical persons and estate were repealed; all such persons and estate were declared exempt from taxation throughout the imperial dominions, and all litigation relating to them was transferred to the canonical judicature: the laws of Innocent III. against heresy and heretics were re-enacted in all their severity;[r] establishing every principle and proceeding of the Innocentian inquisition, and opening out new facilities for the effectual working of the tribunal.[s]

Pactions of Emperor and Pope.

It must create some surprise that this ample document should contain no stipulation as to the immediate abdication of the kingdom of Sicily by the new Emperor. Yet several reasons may be suggested for this moderation on the part of the Holy See. It was especially desirable that the subsisting harmony between the two powers should not at this moment be disturbed. The formidable Lombard league was still at variance with its pontifical parent and patron; and it was obvious to the court of Rome that until this spirit of opposition could be subdued, the essential concurrence of the great maritime republics of Venice, Pisa, and Genoa, could not be obtained, nor the turbulent cities and magnates of the ceded districts be reduced to obedience to their new master. Under such circumstances the difficulties in the way of the projected crusade must be insuperable; nor could the Emperor hope to overcome them until he could muster and dispose at pleasure of the resources of his Sicilian dominions.

Impediments to the crusade.

[r] Conf. *Cath. Pet.* Book xiii. c. vii. p. 525.

[s] See *Pertz*, ubi sup. Leges, tom. ii. pp. 243, 244.

State of the Sicilian kingdom, &c.

Until therefore he should be firmly settled on the throne, the Pope was fully aware that no step could be taken for the furtherance of the crusade, upon which his heart was set. But during the eighteen years of Frederic's minority, and an absence of eight years more from his accession to the crown of Germany, such a mass of abuses had accumulated—owing chiefly to pontifical mismanagement—as to require time, activity, and resolution, to apply the remedy. On his arrival in his southern kingdom he found that the estates of the crown had been almost wholly alienated by the papal administrators. Illegal monopolies had been granted; commercial rights set at naught; and, for a period of twenty-six years every kind of peculation and abuse had become rampant.[t] Until this Augean stable should be effectually cleansed the crusade was not to be thought of. But the short period of nine months was lamentably insufficient to remove this and other impediments. A poorer class of pilgrims still flocked to the coasts, in expectation of a speedy passage to the Holy Land. The financial resources of the Pope for the support of this body of pauper pilgrims were soon exhausted; and the indifference of the European powers, together with the reluctance of the clergy of all ranks to answer the assessments of the court of Rome, gave little promise of further supply. The Pope was thus thrown back upon the Emperor for the realisation of his hopes for the deliverance of the Holy Land, and upon him the whole burden of the expedition was made to rest.

Exhaustion of the papal treasury, &c.

Honorius III. reproaches the Emperor for his delays, &c.

But discouragement and difficulty were words without a meaning in the court of Rome. On the 3d of June 1221, the Pope reminded Frederic of his engagement, in terms of extreme urgency. The Emperor replied that hitherto he had been unable to collect either money or men enough for the projected expedition, and demanded a prolongation of the term to the month of March 1222. The Pope received the communication

[t] See the *Regist. Hon. III.* ap. *Raumur*, iii. p. 358.

with exceeding ill-humour. Giving the go-by to facts certainly within his own knowledge, he informed the Emperor "that he was enclosed in a net of oaths and promises, from which he could have no escape: that even before his coronation he had, by his procrastinations, incurred sentence of excommunication; and that he had saved himself from the consequences of this his great sin only by throwing himself upon the mercy of the Holy See, and promising implicit obedience for the future." The changes and reforms effected by the Emperor in his Sicilian dominions furnished an additional list of complaints. The jobs of the papal administration had been set aside, and the sufferers now besieged the court of Rome with complaints of oppression and persecution. The Emperor was charged with interfering in the election of bishops and prelates; and the Pope harshly reminded him of the calamities which had befallen his predecessors for a similar offence: he called to his recollection *how many persons and parties would hail with delight his desertion by the Holy See; and hinted broadly at the precarious tenure by which he must ever hold the kingdom of Germany if deprived of the pontifical grace and favour.*

Capture and subsequent surrender of Damietta.

But all these threats and importunities were of no avail against the force of events. On the 5th of November 1219, the city of Damietta had surrendered to a strong body of pilgrims under the command of King John of Jerusalem, Duke Leopold of Austria, and the papal legate Pelagio Galvani. If this important acquisition had been defended with the zeal and unanimity displayed in the siege, Damietta would, beyond doubt, have afforded an excellent point of support for operations against the Saracens of the Holy Land. The hopes of the Pope were stimulated to exultation by the news of the conquest, and with the aid of the approaching expedition of the Emperor, he made no doubt of improving the success to the final liberation of the Holy Land. But this brilliant prospect was overclouded by the disunion which speedily broke out among the conquerors. Many

of the chiefs returned home to enjoy the fruits of their valour, and consume at leisure the plunder that had fallen to their lot. John of Jerusalem and the papal legate disputed the government of the captured city; and on the 8th of Sept. 1221 the feeble and desponding remnant of the defenders surrendered to the active and intelligent Sultan Kameel of Egypt and Syria.

Further postponements of the crusade.

The profound mortification of pope Honorius exhaled itself by ascribing the calamity which had befallen the Christian arms in the East to the wilful procrastinations of the Emperor. But irrespectively of the fact that the Pope himself, under the pressure of events, had consented to an adjournment of the expedition till the month of March 1222, it now appeared that King John of Jerusalem had, on his return from Egypt, strongly objected to those isolated efforts of the Christian powers which had hitherto terminated so disastrously. The year 1223 was the last term fixed for the departure of the imperial crusade. But now the still-disturbed state of Sicily and Apulia, arising chiefly out of the late papal maladministration, and a renewed insurrection of the Saracens, who inhabited the central portions of the island of Sicily, together with the difficulty of reducing the turbulent barons of both provinces to submit to legal discipline, were on all hands admitted to form insuperable obstacles to so early a departure; and a pontifical council, held at Ferentino, postponed the expedition till St. John's day 1225. In the conference which took place on this occasion the Emperor agreed to marry Jolanta, daughter of King John and heiress or queen regnant of Jerusalem —it is not certain which—with reversion of the kingdom to himself and his heirs; and pledged himself upon oath to ask for no further delay in reducing into possession the new kingdom offered to his acceptance on these terms.

General disinclination for the crusade.

This compact seemed to provide for all contingencies, and to inspire the Emperor with a strong interest to support the views of the Holy See. King John meanwhile wandered from court to

court in France and England and Spain, to arouse princes and peoples to a sense of their duty to the Pope and the Holy Land; but every where without success. Princes and prelates alike declined to stir a foot or contribute a mite to the sacred enterprise. Meanwhile the Emperor's preparations proceeded to the full extent of his funds and the armament at his command. But as the time approached for the departure of the expedition, the lamentable insufficiency of the available force of ships and men and money had become so manifest, that a further adjournment of two years was imperatively required. The month of August 1227 was now fixed for the embarcation; the Emperor covenanting, during these two years, to maintain at his own expense 2000 knights and men-at-arms in Palestine, to hold 150 transports ready to convey thither 2000 more, and to give security to the king of Jerusalem and the military orders in 100,000 marks for his personal departure for the Holy Land within the prescribed period; he moreover agreed that if hereafter he should, *for any cause, or on any pretext*, fail in the punctual performance of his promise, or even *ask for any further delay*, he would hold himself *ipso facto* accursed, and thrust out of the communion of the faithful.

The expedition finally adjourned to the year 1227.

Within this prolonged period the Emperor exerted himself to extract from his German and Italian subjects a general contribution in men, money, and ships, for the use of the crusade. But formidable disturbances in the former country caused the appeal to fall almost unheeded to the ground. No sooner was this difficulty in some measure removed, than the rumour of an approaching invasion of a German army awakened all the jealousies of the Guelfic cities of Lombardy. They refused all credit to the imperial assurances that the expected reinforcements from the north were not intended to be used against them; and immediately agreed upon the revival of the general league which had slept since the treaty of Constance in the year 1163.[u] Fifteen cities

The Lombards close the passes of the Alps, &c.

[u] See *Cath. Pet.* Book xii. c. viii. p. 288.

under the hegemony of Milan concluded an alliance, offensive and defensive, for the term of twenty-five years, against the apprehended junction of the German and Italian armies for their supposed subjugation; and troops were detached in all haste to occupy the passes of the Alps, and to prevent the king-regent Henry of Germany from reinforcing the *pretended* crusading contingent already assembled.

Complications: death of Honorius III.; election of Gregory IX.

This unexpected turn of affairs took both the Pope and the Emperor by surprise. But neither the ban of the empire nor the papal excommunication produced any perceptible effect upon the insurgent cities. A lively dispute, which, about this time, had alienated the minds of the Emperor and John of Jerusalem from each other, tended greatly to the prejudice of the approaching expedition. In the midst of these complications pope Honorius III. died, and was succeeded, a few days afterwards, by Ugolino di Segni, cardinal bishop of Ostia—a cousin of pope Innocent III., and a stanch disciple of his school—by the name of Gregory IX.

Character of Gregory IX.

The new Pope was in the 81st year of his age; yet all the energy and hot blood of youth still circulated in his veins. In principle and action he was hardheaded and inflexible; in temper, stern and irascible. Neither failure nor consequences stood in the way of his designs for the glory and exaltation of the Holy See. In his mind there was no room for simply prudential calculation: the immediate interests of the Church suspended or superseded all the duties of civil government, nor did he allow any latitude of action to the temporal powers, unless it fell into strict conformity with the pontifical commands. But thus far he was not unwilling to smooth the Emperor's path for the prosecution of the crusade: the Lombards were rebuked for their obdurate opposition, and commanded to give all diligence to make atonement for their offences by a hearty concurrence in the great movement then in preparation; and above all things, as a proper preparation for the holy work, to cleanse their domiciles and their

consciences *by a searching and active persecution of the heretics, who still swarmed in their cities and territories.* But these menaces and monitions were addressed to deaf ears. The Lombards obstinately persisted in their hostility to the crusade and its promoters. France and England showed the same invincible aversion: communications with Germany were impeded; and even in that quarter the zeal for the holy war had cooled down since the disastrous results of the late abortive expeditions had become matter of notoriety. Nothing therefore remained to the obdurate old man but to push on the Emperor, with inadequate means, to an enterprise acknowledged on all hands to call for the combined action, both financial and military, of the whole European commonwealth.

Pestilence in the crusading army.

At the approach of the time fixed by the last adjournment for the departure of the expedition, the Emperor was found to have collected a considerable armament of men and ships in the harbours of Apulia. But at that moment the pestilential diseases so fatal to the northern constitution carried off great numbers of his German recruits, and among them the Landgrave of Thuringia and two bishops, besides many of the common sort of pilgrims. This calamity naturally produced a serious depression of spirits in the army, aggravated probably by the well-known inadequacy of the armament and the deficiency of the necessary supplies. Notwithstanding, however, these discouraging circumstances, the Emperor embarked with the army, and set sail for the Holy Land. But after three days spent on board he was himself overtaken by the malady which had laid low so many of his gallant companions. Whether the disorder was of such a virulent character as to make a return to land a question of life and death must ever remain uncertain. But the effect of the Emperor's return was the immediate dispersion of the army and the temporary abandonment of the expedition. The disappointment exasperated the angry temper of the pontiff to frenzy;

The Emperor embarks, but returns, &c.

Dispersion of the armament.

and without deigning to listen to explanation or apology, he, on the 29th day of September 1227, launched sentence of excommunication against the perjured outcast, Frederic of Swabia.[x]

Excommunication of the Emperor.

It is evident throughout his dealings with the Holy See that the Emperor did not intend to sacrifice men, money, and ships, without a reasonable prospect of success. This reluctance was, however, his great crime in the mind of the fanatical pontiff. He had preferred the dictates of common sense to the orders of the Holy See; he had calculated probabilities when he ought to have obeyed commands. "You," said the Pope, in substance, "owe all you have and all you are to the Holy See, your tutor in youth, your patron when you arrived at man's estate: you assumed the cross spontaneously, and by a simulated zeal for the holy war cajoled the Holy See into granting you the imperial crown:[y] the numberless adjournments of the crusade were all along of your own contrivance in opposition to the commands of the Holy See:[z] each of these several delays was a fresh perjury. Then, when you had collected your army at Brundusium, you wilfully exposed it to destruction by disease and want, in order to gain a plausible pretext for breaking your vows; and afterwards, with a view to throw dust into the eyes of the Holy See, you affected to put to sea with an army you knew to have been reduced to inefficiency by your own wicked contrivance. To crown all, you fraudulently pretended sickness, and returned to your palaces to enjoy the delights of leisure and luxury: to these artful delays the irreparable loss of Damietta is unquestionably to be ascribed. Nay, the city was in truth surrendered by your procurement, and in virtue of secret orders to your satellites in the army of the cross.[a] For all these crimes, therefore, you are shut out from the communion

Reproaches of Gregory IX.

[x] See the entire document set out ap. *Raynald*, an. 1227, §§ 30-37, pp. 593-5.

[y] There is not a shadow of truth in this charge.

[z] This allegation was untrue, but necessary to meet the plea of condonation.

[a] A wilful falsehood. Perhaps the Pope alludes here to the desertion of duke Frederic of Austria, and imputes it to an understanding with the Emperor. There is not a shade of evidence of any such understanding.

of the faithful, awaiting the weightier punishments of the church, if you shall abide in your present contumacy."

The papal censures, how met by Frederic.

It is remarkable that in this strong bill of impeachment no allusion is made to the breach of the Emperor's engagement to surrender the Sicilian crown to his infant son under a papal regency. Here, at least, was something resembling a decent article of charge. All appears, however, to have passed from the pontifical memory but the headlong pursuit of an enterprise condemned by the deliberate opinion of those whose opinion was worth listening to. But since his coronation, in 1220, a change had come over the spirit of Frederic. The great problem of the union of Church and State, in its double aspect, had dawned upon him. The irreconcilable antagonism of popery and imperialism had become more apparent to him. His youthful veneration for the Church had yielded to his sense of duty to the State and to himself as monarch. And now indignation at the sanguinary insult inflicted upon him by his enemy drew from him a wrathful exposure of the great issue between Church and Empire, which did more honour to his candour than to his discretion.

Imperial reply to the excommunication.

"Your predecessors," said he, in reply to the papal denunciation, "have never ceased to encroach upon the rights of kings and princes: they have arbitrarily disposed of their lands and territories, and distributed them among the minions and favourites of their court: they have stirred up strife among the nations of Christendom for their own selfish purposes: they have dared to absolve subjects from their oaths of allegiance: they have even introduced confusion into the administration of public justice, by binding and loosing, and punishing without regard to the laws of the land. Religion was the pretext for all these trespasses upon the civil government; but the real motive was a desire to subjugate governors and subjects alike to an intolerable tyranny—to extort money, and, as long as that was to be got, to care little if the

whole structure of society were shaken to its foundation. No matter to the pontiffs of Rome if the whole world were thrown into confusion, so they might convert emperors, kings, and rulers into the obedient instruments and ministers of their ambition. But let nations and princes now fully comprehend what is really meant by the 'grace and favour' of the Church: let the people note well what they have to expect from her if they desert their natural judges: let all Christendom join heart and hand for the overthrow of this grievous tyranny, this universal peril: let it be borne in mind, by all men, that none shall escape who deserts his friends in their danger —who forgets that when his neighbour's house is on fire, his own will probably soon share its fate."[b]

Antagonism, &c.

But in the ear of the court of Rome these utterances were the very rebel song, the profane shibboleth of Frederic Redbeard—the ribald strain of his reprobate son—the echo of the backsliding of Otto IV. And now that the ear of the Holy See was assailed by the same descant from the tongue of its own pupil, the youth brought up in the school of Innocent III., and presumed to have been duly drilled to a sense of his subordinate position in the economy of the world, pope Gregory IX. saw that the battle of the theocracy would have to be fought over again. The aged canonist and the champion of monarchical rights stood opposed to each other in mortal combat, and the great question whether the spiritual or the political powers of earth should succeed in drawing to itself the dominion of the world was pretty clearly defined in the minds of both combatants.

Slanders, &c.

The Emperor, after this, was of course the object of bitter vituperation to the swarms of itinerant spies and tale-bearers who perambulated Europe in the interests of Rome: he was a hypocrite, a trickster, a swindling adventurer, who had a lie or a pretext ready for every turn and twist of his fraudulent policy; a deliberate murderer of his soldiers and his

[b] *Matt. Paris*, pp. 291 to 294.

friends; a poisoner and a cut-throat—any thing that might afford a plausible colouring to the impudent and bloody comedy he had played off in the face of the church and the world.[c] But irrespective of these palpable slanders, there was truth in the monition of Honorius III.; he had in fact involved himself in "a net of oaths and promises," from which there appeared no escape but by persevering even unto death. There is good ground to believe that Frederic II. was in earnest,—but not to the death. He had started on his voyage with a sickly and dejected army, and had engaged in the enterprise with an inferior description of troops, declared by the most competent judges to be inadequate to the dangers and difficulties to be encountered. Under such circumstances he might reasonably entertain grave misgivings of the result; and if it be true that he was attacked at sea by the malady by which so many of his gallant companions had perished, he might at least plead a valid excuse for a temporary abandonment of the expedition. He might indeed have died on the deck of his vessel; he might have committed his body to the waves, and his soul to Rome; but it may be admitted that he did not intend to commit himself to that extremity; and, judging from subsequent events, it is probable that the absence of the Emperor from Italy was at this juncture more desirable to his enemy than even the deliverance of the Holy Land.

Probable intent of Frederic II.

Enraged beyond measure by an apology, which contained in fact a counter-indictment against the Holy See, Gregory at once proceeded to the threatened extremities. On the 2d of March 1228, in the great basilica of St. Peter, he solemnly renewed the curse, adding sentence of deposition against the Emperor, and absolving his subjects from their oaths of allegiance. The Romans took vehement offence at this fresh insult to

Gregory IX. renews the curse; he deposes the Emperor, absolves, &c.

[c] He was even charged with poisoning the Landgrave of Thuringia to get rid of a zealous advocate of the crusade. *Rich. of St. Germano*, Chron. ap. *Murat.* tom. vii. p. 1003.

their great friend and patron; the city soon became too hot for Pope and court, and he retired to his faithful Perugia to be out of the way of their resentment.[d]

The Emperor resolves to take the management of the crusade into his own hands.

The Emperor, however, was now fairly at war with the Holy See, and at liberty to take the management of the crusade into his own hands.[e] With that promptitude of decision which marked the character of the princes of his race, he resolved to undertake the difficult task with his own resources, and to conduct it in his own way. He could not but be aware that dissensions between the cardinal-legate and commander-in-chief of the late expedition against the Sultan of Egypt and the secular chiefs had contributed mainly to the loss of Damietta; and he resolved to suffer no divided command to interfere with the consistent and vigorous prosecution of the war. But if the measure of his offences had not been already full to overflowing,

Additional offences of Frederic.

this step alone would have sufficed to inflame the wrath of the aged zealot on the throne of Rome to madness. There were now no instructions from the Pope to fetter the command—no cardinal-legate to interfere with the movements of the military chief, or to dispute his authority. The energetic resolution of Frederic at once deposed the pontiff from the proud eminence of commander-in-chief of the armies of the Cross, a position which had on like occasions placed the military powers of Christendom at the disposal of the Holy See.[f] With the small but com-

Crusade of Frederic II.

pact force at his command the Emperor put to sea on the 11th August 1228, and landed at Acre in Palestine on the 8th of the following September. As soon as the intelligence of this new contempt of his authority reached the ear of the Pope, he resorted to every device that his own inventive malice

[d] *Rayn.* an. 1228, § 5, p. 606 et sqq.

[e] It is extremely probable that the interferences of the court of Rome with the arrangements for, and the management of the expedition were as thoroughly unwelcome to the Emperor as they were to the Venetians upon occasion of the crusade of 1202. Conf. *Cath. Pet.* Book xiii. c. v. p. 431.

[f] Conf. *Cath. Pet.* Book xii. c. viii. p. 304 et sqq.

and that of his advisers could suggest to work out the failure of the expedition, and the ruin of the chief. So important an undertaking with so inadequate a force could be only another of those juggles by which the great enemy of God and the Holy See had hitherto endeavoured to evade his oaths;[g] he denounced in terms of furious resentment the unheard-of presumption of one under the ban of the church daring to set his unhallowed feet, as a soldier of the Saviour whom he had vilified and insulted, on the sacred soil consecrated by His passion and resurrection. By this time certain bodies of pilgrims had assembled in the ports of Apulia and Sicily, ready to reinforce the army of the Emperor. Minorite friars were instantly dispatched to prohibit their departure; the patriarch and nobility of Sicily, the Germans in the service of the Emperor, and generally all Christians were strictly commanded to set aside his orders, and to obey only those chiefs whom he (the Pope) should nominate. Instructions were sent off in all haste to the patriarch of Cæsarea, the bishops and military orders in the Holy Land, to throw every impediment in his way, with the expressed intent that he might find either a grave or a dungeon in Palestine; or, if *that* might not be, to send him back a disgraced fugitive to his dominions, if haply the Pope should not by that time have succeeded in depriving him of all footing in Italy.

Intense malice of Gregory IX.

The landing of Frederic II. in Palestine was followed by a policy which, it must be admitted, was in contradiction to the principles and prejudices by which the conduct of the holy war had hitherto been governed. Availing himself with ability of the conflicting ambitions and jealousies of the Turkish dynasts, the Emperor obtained from the Sultan Malek el Kameel of Egypt[h] the peaceful cession of the city of Jerusalem, and a territory of almost equal extent with the former limits of the kingdom.

The Emperor recovers Jerusalem and the Holy Land.

[g] "He was not an emperor, but a mere pirate." *Rayn.* 1228, § 9, p. 607.

[h] Who, after the expulsion of the crusaders from Egypt, had made himself master of Palestine. *Art de vér.* &c. i. p. 488.

The Emperor made his entry into the holy city on the 17th of March 1229; the sepulchre of the Saviour was purified from heathen pollution; and, in the absence of ecclesiastical sanction—and perhaps in contempt of the life-claim of king John, now the firm ally of the Pope—Frederic presumptuously placed the crown of the kingdom of Jerusalem upon his own head.[i]

Efforts of the Pope to impede the crusade.

In Europe, meanwhile, every device had been resorted to to prevent reinforcements reaching the Emperor. Richard earl of Cornwall, the brother of Henry III. of England, was ready to sail from Marseilles for the Holy Land; and a large body of armed pilgrims was assembled at Lyons with the like purpose. Both expeditions were turned back by order of the Pope, to the bitter mortification of the hopeful warriors of the cross. By instructions from Rome the archbishop of Cæsarea closed the church of the holy sepulchre; the military orders were encouraged to resist every measure of the Emperor for the consolidation of his power; and the Sultan Kameel was assured on the part of the Pope that he would have the support of all true Christians in any project he might entertain against the excommunicated and deposed *heretic* whom he had hitherto befriended. The loyal Sultan, however, informed the Emperor of the treasonable proposal. The Templars, whose hatred of any superior in Palestine knew no bounds, had made themselves the willing agents of the papal treason: the Emperor expelled them from the city, and banished them to distant quarters; garrisons were placed in all the principal churches to maintain the services of religion; the host of railing friars, whom the patriarch had let loose upon the government, were driven away or flogged into decorum.[j] A howl of discontent and reprobation resounded through the Holy Land, and was propagated thence into every region of Europe. The patriarch pronounced the treaty with the Sultan void because it

[i] For the bare facts see *Art de vér. les D.* ubi sup. They are simply commented upon in the pontifical sense by *Raynald*, an. 1228.

[j] *M. Paris*, an. 1228, p. 247.

was concluded without his consent. The military orders, bishops, and monks, exasperated at finding the management of the crusade and the settlement of the kingdom taken out of their hands, joined heartily in the clamour. "What did he come for," they exclaimed, "but to slay the infidels? But, behold, he treats with them; he makes them his friends and associates; he accepts presents from them, and leads a life in accordance with such depraved companionship: as for the clergy, he spurns their counsels, he sets their interests at defiance; he rests his power upon a corrupt understanding with a single infidel potentate rather than upon the arms of the faithful. Had he not vowed to make no peace, but war upon the unbelievers—war for the space of two whole years? But such a peace as this is treason against Christ, for it is made with those who are at war with Him; it is a sacrilegious compact, which pollutes the holy ground by tolerating heathen rites within the sacred precinct.[k] The treaty is, in short, from beginning to end, both in word and effect, no other than a tissue of wickedness, deception, and fraud."

Complaints of the clergy and the military orders in Palestine.

Though some of the acts of Frederic II. may have been hasty and intemperate, yet the fact that he had restored the holy city to the faithful could not be denied. But services of such transcendent merit performed without the aid of Rome were felt as injuries too deep to be forgiven. The motives for underrating his achievement and slandering his character were, in the first place, to obtain a plausible pretext for robbing him of his Italian kingdom; and in the next to obliterate those legislative reforms in Sicily and Apulia which struck at some of the most cherished principles, or abuses, of the theocratic government. The regent Raynaldus of Spoleto, to whom he had deputed the government during his absence, had been too hasty in prosecuting the war against the Holy See. King John of Jerusalem, upon whom the Pope

The Pope, in his absence, invades his dominions.

[k] It appears that the Mosque of Omar was given by the treaty to the resident or sojourning Mohammedans for their worship.

had devolved his defence, had assembled a considerable armament, and defeated the imperial lieutenant. The whole of Apulia, to the river Vulturnus,[1] fell into the hands of the papal army. The misfortune of the regent left the Emperor no alternative but to abandon the new to save his hereditary kingdom. Hastily setting sail from Palestine he landed at Brundusium. The papal armies fled at his approach, and the whole country overrun by the enemy was recovered by the mere magic of his name.

His return.

With a natural anxiety to clear himself of the load of calumnies that had been heaped upon him by his foes in Palestine and in Europe, he proffered to the Pope an ample explanation of every particular of his conduct throughout the late transactions, together with a complete refutation of the charges which most deeply affected his character and motives. But the report of the patriarch of Jerusalem—the bitterest of the Emperor's foes—had obtained exclusive possession of the mind of pope Gregory; and the protest put in by Hermann of Salza, the reverend grandmaster of the Teutonic order, in his name and behalf, was dismissed with contempt. The Pope condemned the treaty with the Saracens, by which the Holy Land had been recovered, as a treasonable insult to God and His Church. "Better were open war than a diabolical compact which left the Temple of Solomon[m] in the hands of the enemies of Christ—better the loss of all than that an excommunicated heretic, a persecutor of the clergy and the defenders of the cross, a miscreant more cruel than the Saracens themselves, should gain a kingdom by his crimes against God and His Church; for was not his hypocrisy now made doubly manifest *by the desertion of his simulated duty before the expiration of the period for which he had professed himself bound?*"[n] To avenge

Wrath of the Pope at the disappointment of his scheme for the ruin of the Emperor.

[1] A river which falls into the Mediterranean a little to the north of the city of Naples.

[m] The Mosque of Omar was believed to stand upon the site of the Temple of Solomon. *Gibbon*, vol. vi. p. 321.

[n] *Raynald.* an. 1229, § 33, p. 362.

these manifold transgressions, the Pope exhorted all the kings and princes of Christendom to rise in arms, and to hasten to the rescue of the perishing Church. Lombards and Germans, the kings of France, England, and Spain, were vociferously importuned, by all their hopes of salvation, to send men and money to aid in the punishment of the great offender, Frederic of Hohenstauffen.

But the call was made in vain. The Lombards, after their late treatment by the court of Rome, hesitated; the Germans did not stir; in France the indifference to crusading adventure—*at a distance from their own homes*—inclined king and people to look with complacency upon the successes of the Emperor.[o] Frederic II. was now in peaceable possession of his kingdom, and in a position to retaliate upon the Pope the injuries he had sustained. Gregory IX. was collected enough to postpone his revenge; a hollow peace, or rather truce, was brought to pass by the diplomatic abilities of Hermann of Salza; and the Emperor was released from the excommunication.

Dilemma of the Pope.

Treaty and absolution of the Emperor.

The cause of this deep-seated animosity lies beneath the surface. It may be probably conjectured that before the earlier embarcation of the Emperor in 1227, he could have obtained without serious difficulty any postponement of the crusade he might have thought necessary. The court of Rome would have been satisfied with those occasional supplies of men and money which he had never been found backward in granting; but the extensive *legislative reforms* he had introduced into his dominions were, *with sufficient reason*, regarded by the pontiff as evidence of a deliberate intent to dissolve the peculiar connection between Church and State, upon which the pontificate had hitherto so abundantly thriven. And, in fact, a definite national law, fixed in the interests and habits of a nation, is a formidable barrier against sacerdotal encroachment. The court of Rome could not but be sensible that an

Motives of the papal animosity.

[o] Henry III. of England even ventured a timid remonstrance against this attempt of the Pope to set the whole world by the ears.

implanted principle of legality in a people must hold an inconvenient balance against the pressure of ecclesiastical ordinance, more especially of so plastic a system as the canon law in the hands of a Roman pontiff; that, in short, *by the introduction of certainty and system into national law and custom*, the very foundation of pontifical government was undermined.

Legislation of Frederic II.

For years past the attention of the Emperor had been drawn to the confusion prevailing in the national law of his Sicilian dominions. With the aid of his learned minister, Peter de Vineis, he had reduced and digested these institutions — or rather customs—into a systematic form. In the course of his labours he had to encounter great difficulties, arising from the independent position assumed by the clergy. Though they occupied a large—perhaps the largest—share of the landed property of the kingdom, they claimed absolute exemption from taxation or any secular duty. The annexation of tributary or feudal estate to the churches, and the abusive conversion of lay fiefs into ecclesiastical and privileged property, had impoverished the revenue, and deprived the sovereign of the dues and services owing in respect of such tenures. The new code struck at these privileges; the clergy were made to contribute in respect of their lay holdings rateably with the rest of the proprietary: the canonical principle that no clerk in orders could be sued before the civil tribunals in any question of land, debt, fief, possessory right or criminal offence, was ignored.[p] The ecclesiastical courts were ousted of all jurisdiction over the laity, the single case of adultery excepted: *appeals to Rome were prohibited in all but purely spiritual causes*, and even such appeals were taken away in time of war: the *children of the married clergy*[q] *were legitimatised* on payment of a fixed fine, *and were made capable of inheriting land*, *&c.*, as if they had been born in lawful wedlock, any canonical ordinance to the contrary notwithstand-

[p] As to crimes committed by clerks, it seems that it was still open to the ecclesiastical courts to claim cognisance of the cause.

[q] The marriage of clergymen had not been wholly discontinued in Italy, as in many other parts of Europe.

ing. In respect of lay tenures, *the clergy were in every respect placed upon the same footing with the lay proprietary;* and *all spiritual persons, and corporations and associations, holding lands by law or custom exempt from charges and services to which the rest were liable,*[r] *were incapacitated from taking any gift or conveyance, making any purchase, or receiving bequests of any taxable or customable land.*[s]

These ordinances were in many ways offensive to the court of Rome. Their object was notoriously to close every avenue to the encroachments of the spiritual powers. But attempts to impose limits upon ecclesiastical privilege were obstructive of the uniform policy of the papacy. And such must have been at all times the effect of a certain and consistent code of civil law. It gives of necessity the precedence to state-law over church-law, as long as the two systems are administered by different and independent authorities. Either must govern or serve the other; and the law of the victor must become the law of the state. The devout canonist upon the throne of Rome had on his part elaborated a scheme of ecclesiastical law, which, for the merits of precision and systematic arrangement, greatly excelled the civil ordinances of Frederic II.[t] The principles of law adopted by Gregory IX. stood, as might be expected, in direct contradiction to those of the less perfect code of Frederic II.; and the entire digest was in many respects better calculated to command the attention of men of learning and system. The severance of the two sources of legisla-

Irreconcilable with the canon law of Rome.

The decretal of Gregory IX.

[r] Lands, we suppose, in the nature of frankalmoigne; or, perhaps, more properly, spiritual allodium.

[s] This was a formal statute of mortmain; but with the modification that if any land was bequeathed to or purchased by church or monastery, the land so bequeathed or purchased was ordered to be immediately sold to some lay buyer capable of discharging the dues and duties incumbent upon the subject-matter of bequest or purchase. As to lay conveyances and subinfeudations, Frederic II. enacted an ordinance very similar to our statute of "Quia emptores." (18 Edw. I.)

[t] The five books of the Decretals of Gregory IX. were drawn up and digested by the Dominican friar Raymund di Pennaforte, his chaplain and penitentiary, and were published in the year 1234. The best and last emendated edition of the Gregorian code is that *A. L. Richter*, in Part II. of his "Corpus Juris Canonici," published at Leipzig in 1839.

tion was for the most part repugnant to the prepossessions of the age. "What," it was asked, "would be the condition of the Christian world, if each individual state or kingdom should wrap itself up in a garment of its own? What, if each were to adopt an exclusive system of state-law, without reference to each other, or to any common bond that should connect them in Christian fellowship, or could supply a tribunal by which, in the last resort, their mutual feuds and animosities could be accommodated? Obviously, the consequence of such a state of things must be that the great commonwealth of Christendom would be broken up: each state and nation would stand over against the other in selfish isolation or hostile contact: each would then set up its own local laws against the great general law which, by divine appointment, embraces and reconciles all human ordinances. Every government, adopting such a position, must be deemed to have stepped out of the Christian communion, and, by the very fact, to have lapsed into a state of heathenism. If all rulers were to follow the example of the emperor Frederic, the Christian commonwealth would be torn into incoherent fragments, and must fall to ruin."[u]

Objections to independent state-law.

It can hardly be denied that the bonds which form the nexus of civil and religious government cannot be wholly torn asunder. Such, no doubt, would be an unnatural state of society; and *that* certainly not less so under the Christian than under any other religious dispensation. The instructors of the public conscience cannot be wholly excluded from their share in the general direction of human affairs without a direct renunciation of the principles by which rulers and subjects alike profess to be bound. The only question that remains is, what *that share is to be?* and how it is to be so regulated as not to stand in the way of the material advancement of society towards the greatest attainable happiness, spiritual as well as temporal. It will not be contended nowadays that

The legislation of Frederic II. as opposed to the canons of Gregory IX.

[u] We have adopted in some particulars the excellent but somewhat overcharged statement of the pontifical case by *M. Raumer*, vol. iii. p. 584.

temporal necessarily excludes spiritual government, or the converse. Yet this was the question substantially raised by the papacy and the ultra-canonists. The legislative enactments of Frederic II. clipped the wings of clerical despotism, and were plausibly construed into a deliberate design to separate Church and State: but in fact they proposed a compromise—a give-and-take principle, utterly inadmissible in a government which claimed to define its own prerogative, irrespectively of all earthly considerations. This was the scope and substance of the Gregorian legislation; and with this pretension that of the Emperor stood in direct opposition. As soon as the idea of an independent code of laws entered his mind, he found himself at issue with a fundamental principle of ecclesiastical government. It was clear enough to his adversaries that he had to a dangerous degree emancipated himself from the principles instilled into him by his pontifical preceptor: he must, it was thought, have conceived the idea of setting up *his* state against the state of the Church. The conception was in its nature rebellious and heretical; it approached the inner limit of secession; it approximated to those very errors[v] which had been put down at the expense of myriads of lives, and the sacrifice of every sentiment of honour and humanity. So terrible an expense must not be incurred in vain; and when the alternative presented itself, whether the theocracy should master or yield to the supremacy of state-law, immitigable war was freely and spontaneously adopted—subject, however, to those suggestions of worldly prudence which bides its time, and never strikes till the prey is inextricably entangled in the snare.

Motives of the Pope for seeking a reconciliation with the Emperor.

Some such suggestions governed the policy of pope Gregory as soon as he had abandoned the hope of ejecting the Emperor from his southern kingdom. Frederic was now firmly seated upon his Sicilian throne. With faculties upon

[v] Those of Albigensian and other separatists. There was no form of heresy against which the papacy had conceived so bitter a resentment as that which was technically called the *political heresy*, such as that to which Arnold of Brescia fell a victim. *Cath. Pet.* Book xii. c. iii. pp. 66, 67.

the whole superior to those of the sovereigns of his age he combined a spirit of the firmest mettle, yet pliant enough to yield with a good grace to the circumstances of the times. He had returned from his expedition to the Holy Land with increased fame: all who knew the difficulties he had overcome, and the wisdom with which he had used his opportunities, admired him: the elegant hilarity of the imperial court; the encouragement extended to art, learning, and poetry, attracted the lovers of pleasure, and attached the commonalty to his person: and although—if we believe his adversaries—the love of women at his court and in his person was that of a mere heathen Cupid, a snare of Satan, the poison of the spiritual life within, it had nothing of that enervating character which unfits princes or ministers for the active duties of life and government.[w] In Germany all the attempts of the court of Rome to drive the princes and barons into rebellion had had the effect rather of rousing the national indignation than of creating a diversion in favour of the papal designs. The clergy resented the misapplication of the funds they had supplied for the use of the crusade to the support of a war of ambition and self-aggrandisement. In Lombardy the Ghibelline party had proved strong enough to neutralise the intrigues of the Pope to call the league into action. The Mendicant monks—in bad odour everywhere—had been banished by the imperial regent Raynald of Spoleto; and soon after the Emperor's return the Templars had been in like manner expelled from Sicily and Apulia. Frederic himself hovered on the frontiers of the Patrimony with a veteran army; the Romans, though for the moment reconciled with the pontiff,[x] were not to be trusted; the resources of the papal treasury were exhausted, and no prospect of preventing the Patrimony from falling into the hands of the enemy was open to the court of Rome. Under

[w] "Herein," said his enemies, "consists the craft of Satan, that he contrives to shed the deceptive light of all-sufficing pleasure on mere earthly things; so that by the extinction of the sense of sin and imperfection, repentance, satisfaction, and redemption are no longer possible." *Raumer*, iii. p. 584.

[x] *Raynald*, an. 1230, § 2.

the mediation of the venerable Hermann of Salza, negotiations were set on foot at St. Germano, and a treaty of peace was at length concluded by which all that was past on both sides was condoned; a general amnesty was granted; the Emperor promised to abide by the canonical rule in all ecclesiastical elections, and engaged to abstain from making the clergy responsible to the civil courts, and levying taxes upon them or their endowments. After the conclusion of the treaty of St. Germano[y] both parties felt, or affected to feel, a perfect return of mutual amity and confidence. The Emperor and the Pope expressed their sentiments to each other in the most cordial terms at an interview held at Agnani; and but for the minute precautions by which the Pope thought it necessary to secure himself against any infraction of the treaty, we should entertain no suspicion that a doubt or a misgiving lurked in the heart of either.[z]

Forms of the treaty of St. Germano.

A period of four years elapsed from the treaty of St. Germano, within which the pontiff, by the support of the Emperor, maintained a precarious tenure of the city of Rome. Frederic, on the other hand, was engaged in a series of efforts for the reëstablishment of law and order among the distracted republics and cities of Lombardy. His exertions to bring them to a sense of their legal relations to the empire and to himself as their acknowledged sovereign ended in failure. In his unwillingness to plunge into war, he proposed a submission of all matters in difference to the Pope, as arbiter of their respective rights and grievances. Gregory undertook the reference; but after some delay delivered an award which decided nothing, except certain matters in which the interests of his see were involved, and an order directing the Lombards to send 500 men-at-arms to the assistance of the defenders of the Holy Land, a subject which had no connection with the submission. All topics

Frederic II., the Lombards, and the Pope.

[y] The 28th of August 1230.

[z] Conf. *M. Paris*, p. 309. *Rich. de S. German.* Chron. an. 1230, ap. *Murat.* tom. vii. p. 1020-1021. Conf. *Raumer*, iii. p. 459; *Pfister*, Gesch. d. Deutsch. vol. ii. p. 527.

which formed the real subject of the reference were left as they were before.[a] To the loud remonstrance of the Emperor the Pope replied in the smoothest accents, that it was useless to rip up old grievances, and advising him to put up with the actual state of things rather than put himself and the Holy See to the trouble of reopening an inquiry from which no good result could be expected: and upon this ground he excused himself from imposing conditions he knew would not be complied with.

The Romans quarrel with the Pope.

It would be difficult to assign any other motive for so dishonest a decision than a desire to hang up the dispute between the Lombard rebels and their insulted sovereign, with a view to keep them in wind till their services should be required.[b] After this shabby treatment Frederic did not think fit to revive the negotiation. His attention was diverted by an insurrection in Sicily; and Gregory soon afterwards found himself involved in a dispute with the citizens of Rome. The people clamorously demanded the payment of a subsidy from the papal treasury, to which they alleged an immemorial right; and in the same breath presumptuously affirmed that no Roman citizen was liable to excommunication, nor the city to the interdict. Gregory repelled the claim to the subsidy; and as to the right to excommunicate the citizens and to interdict the city, he observed, that "*although he was less than God, he was greater than man*, and therefore not only set over the citizens, but over all emperors, kings, and princes of the earth; that, as the father of all, it was his right, as it was his duty, to correct his erring children; and that for good and sufficient cause he had full power to excommunicate the citizens, and to interdict their city."[c] He main-

[a] The award was delivered on the 5th of June 1233.

[b] This was the impression on the mind of Frederic: "Of a truth," he observed to the papal legate, the bishop of Ostia, "when this transaction is published to the world, all kings and princes will take warning how they ever hereafter submit to the arbitration of the Church."

[c] In reference to the subsidy, the Pope admitted that gratuities had been vouchsafed to the Roman magistrates and people in certain emergencies; but that such gifts could not be drawn into precedent.

tained, moreover, that they had merited the extreme severity of ecclesiastical censure by their iniquitous attempts to enlarge the territory of the city[d] at the expense of their neighbours, particularly of the city of Viterbo, which lay far beyond their lawful precincts. The dispute ran so high that the Pope and his court found it expedient to abandon Rome and retire to Perugia, a city which had on other occasions afforded an asylum to fugitive pontiffs. In this stronghold he was in a position to take vigorous measures against the rebels. He began operations by launching the formidable sentence of excommunication against the citizens, and interdicting divine service in all their churches. The count of Toulouse and the bishop of Winchester accepted the command of such forces as the Pope could collect; and the Emperor was prevailed upon to send a body of his troops in aid of the papal armament. The Romans, in reliance upon their numbers, marched out against the papal city of Viterbo, but in so irregular and unmilitary a fashion as to expose themselves to a sanguinary defeat.[e] This misfortune had the effect indeed of checking their encroachments upon the Patrimony, but led to no approach to peace, or alleviation of their animosity against the court.

Gregory IX. retires to Viterbo, and defeats the Romans.

The position taken up by the Emperor at this point of time appeared to the court of Rome to lie directly athwart the course of the pontifical policy. It was taken for granted that Frederic entertained a matured design to incorporate Italy, Apulia, and Sicily with the empire; that he intended to rule the mass of territory from the South as the seat of his government, and, if possible, to render it, as a whole, hereditary in his family. Whether the suspicions of the court of Rome were, to their full extent, well or ill founded, there is no doubt that the scheme of govern-

Suspicions of the Roman court.

[d] Liberty or precinct, Germanice *Weichbild*, Latin *comitatus*.

[e] For the whole transaction see *Matt. Paris*, an. 1234, pp. 344, 345. That writer reports the loss of the Romans at the extravagant number of 30,000 killed. The original numbers of the army he puts at 100,000; an equally incredible statement.

ing Germany from a province so remote was a great and decisive error in policy. In the prosecution of this scheme he had obtained some apparent success. Though the incorporation of the South with the empire could be little more than nominal, yet he had succeeded in blotting out the pontifical suzerainty over Apulia and Sicily, and in converting his hereditary kingdom into the fulcrum of his power:[f] he had established his own popularity by a good code of law and a rigid and impartial administration of justice, to the serious detriment of the papal and clerical influence in the kingdom: he had, in short, effectually undone the work of the pontifical government during his minority: instead of the promised abdication in favour of his son Henry, he had removed that prince to the distant viceroyalty of Germany, while he himself established his imperial court and throne in the land which for ages past Rome had been accustomed to regard as a peculiar of the patrimony of St. Peter.

Merits of the questions between the Emperor and the Pope.

For this presumed course of policy the character of Frederic II. has been painted by the pontifical writers[g] in the blackest colours. But it should be remembered that, at his coronation in 1220, pope Honorius III. was not in a position, consistently with the prosecution of the crusade, to insist upon the abdication, when the right first accrued to the Holy See. It was obvious to every man of sense that such a step would have effectually destroyed all prospect of the projected enterprise against the Saracens. The Pope must have known that no suc-

[f] *Raumer* (vol. iii. p. 176) affirms, on the authority of *Muratori* (Antiq. Ital. tom. iv. p. 83), that Frederic had, in the month of February 1211, acknowledged the suzerainty of the Pope over his Apulian dominions, and promised as tribute 1000 pieces of gold. *Pfister* (vol. ii. p. 506) copies Raumer, and quotes the same authority. It is, however, nowhere recorded that Frederic, like his Norman predecessors, had ever *done homage* to the Pope for the kingdom; and we find no record that he had ever *paid* the tribute. There is equally little evidence that either Honorius III. or his successors had demanded these tokens of subordination. Several treaties had been concluded between the courts of Rome and Sicily during this period, in none of which homage or tribute are mentioned or alluded to. On all former occasions the Popes had anxiously demanded and obtained both. The question, in fact, seems to have been allowed to drop by mutual consent.

[g] More especially by the continuator of Baronius, the Oratorian priest Raynaldus.

cess could be expected, and that the hegemony of Europe in the holy war must be abandoned, or that he must refrain from fettering the hands and quenching the zeal of the only monarch upon whom he could reckon with any degree of confidence. It was not to be expected that, under such circumstances, the Emperor would consent to a papal regency during his absence in the Holy Land, or permit his estates to be administered as a simple trust pending the event of the crusade. That natural equity which is commonly allowed to impose its own limits upon engagements of every kind might point to those repeated postponements of the crusade, that tacit adjournment of the stipulated abdication, as such a condonation of the recusancy of the imperial government as tended to qualify the engagements themselves; and which, if persisted in, might blot them out of the memory of the parties altogether. Though the naked right of the Pope to insist upon the performance may not have abated, the remedy for the nonperformance had been allowed to slip from his hands in the pursuit of one absorbing and inconsistent scheme; and thus the opportunities, when the fulfilment might have been legitimately demanded, had been allowed to wait upon the chapter of accidents. By their own interferences the Popes had made themselves parties to many of those measures which they subsequently produced against the Emperor as proofs of the foulest perjury. A pure and simple justification might indeed be difficult; but history will not permit the papacy to tear to pieces or to fatten upon the factitious infamy of one of the greatest sovereigns who ever adorned a throne.

Intrigues of the papacy in Germany.

But now appeared the evils of a divided command. Henry, king-regent of Germany, had reached his twenty-third year. He was of a weak and irritable disposition, and resented, or was persuaded by his flatterers to resent, the restrictions imposed upon his government by his distant sire. During his late disputes with the Emperor the Pope had not failed to improve the advantage against the father to be derived from the disaffection of the son. The policy of the

Emperor at that crisis required that the action of the King-regent should be strictly subservient to his own operations in Italy and the Holy Land; that of the Pope aimed at a total estrangement and separation of interests. He desired to hold the son in leash against the father; and by the aid of the Lombard league to cut off the communication between the Emperor and his Germanic subjects. Thus a powerful lever would be gained for disturbing the political position of Frederic in Italy, and checking the consolidation of his government in the South. In Germany the strong hand had always been indispensable to repress the ambition and rapacity of the aristocracy. Between the year 1220 and 1229 the King-regent had been involved both in foreign and domestic wars. This state of things had been turned to account by Gregory IX. After the excommunication of the Emperor in 1227, envoys were dispatched to Otto duke of Brunswick, the nephew of the emperor Otto IV., to induce him to assume the imperial crown. The prince, however, civilly declined the proposal, and the Pope had to look elsewhere for a lever of mischief and disorder in the realm. Material assistance was derived from the zeal and diligence of the Mendicant friars. Public confusion seemed to have reached its climax; large sums of money were collected by the sale of absolutions for every kind and degree of crime, upon condition of taking the cross; and probably more still was obtained for releases or dispensations from the performance of the vow. Murder was rife in the land;[h] feuds and private wars; robbery and bloodship were in the order of the day;[i] and, to the dismay of the Mendicants and their patron, they and their money-bags sometimes fell a prey to the depredations to which all unprotected wealth, whether well or ill-gotten, was exposed. Yet the cardinal-legate Otto and the friars made little progress in the task of getting up a

Loyalty of the lay constituency of Germany.

[h] Earl Frederic of Isemburg assassinated archbishop Engelbert of Cologne with his own hand.

[i] See a list of these destructive feuds ap. *Pfister*, Gesch. der Deutsch. vol. ii. p. 585.

rebellion in Germany. A few bishops were found ready to lend a hand; but they were admonished by the laity not to permit themselves to be overreached by the papal emissary, inasmuch as it was notorious that what they really wanted was their money, and the appropriation of the richest benefices of the empire for themselves and their Italian partisans. It was by these symptoms perceived that the storms raised by the procurement of Rome, and fostered by the absence of the Emperor, had not as yet shaken the loyalty of the lay constituency. The latter had turned a deaf ear to the importunities of the Pope to support a pretender in arms; and after the return of Frederic from Palestine they gave proof of their fidelity by hastening to support him in the south of Italy.[j]

Failure of the attempt to introduce the Inquisition.

A year or two later a vigorous resistance was opposed in Germany to the attempts of the papal clergy to introduce the Inquisition; and an energetic protest against the intolerable abuse of appeals to Rome was published. The Dominican monk Conrad of Marburg had assumed the office of inquisitor, and arbitrarily tried and condemned certain alleged heretics.[k] But his career was soon brought to a close by the public indignation; the supposed criminals were released; and Conrad himself was torn to pieces by the enraged populace on his return to his convent at Marburg. The anger of the Pope, however, was somewhat appeased by an active persecution at the same time set on foot against a different class of heretics. The inhabitants of East Friesland, called "Stedinger," had expelled an extortionate and oppressive priesthood from their land, and renounced allegiance to their lord, the earl of Oldenburg. The expatriated priests got up a charge of heresy against the rebels; a crusade was published,

Persecution of the Stedinger.

[j] The dukes of Meran, Austria, and Carinthia, and several bishops, were present with him at Naples, and had freely offered their guarantee to the treaty of St. Germano.

[k] A dangerous habit of thinking for themselves had, it seems, crept in. Certain imprudent persons, disgusted with the depredations of the papal emissaries and the rapacity of their masters, had ventured to weigh the papal pretensions in the balance.

and an army of 40,000 fanatics, under the earl himself, speedily quenched the rebellion and extinguished the imputed heresy in the blood of the devoted Stedinger.[1]

Disaffection and revolt of the King-regent of Germany.

Meanwhile the weak and profligate King-regent of Germany was busy undoing the work, and playing into the hands of the enemies of the Emperor. Surrounded by flatterers, he lent himself with fatal facility to the ambitious schemes of princes and prelates. A party was formed in the interests of the King; the Emperor received intimation of dangerous intrigues against his authority; but relying upon concessions he thought it prudent to make to the demands of the estates, he summoned a diet at Aquileia (A.D. 1231) in the Friuli. Henry appeared and sued for pardon; the dukes of Saxony, Carinthia, and Meran became the sponsors for his future fidelity, and he was forgiven. But upon his return to his government his faction recommenced their treasonable practices. They involved the Emperor's friends in vexatious feuds; and his interferences for the restoration of peace only served to exasperate his son and the party that surrounded him. In Germany they had almost thrown off the mask. An understanding with the disaffected cities of Lombardy had been for some time established; and, on the 17th December 1234, king Henry consummated his treason by entering into a league, offensive and defensive, with the enemies of the empire in Northern Italy; they, on their part, engaging to confer upon him the crown of Lombardy, on condition of his relinquishing all the privileges reserved to the empire by the treaty of Constance, concluded with his great-grandfather Frederic Redbeard in 1181.[m]

Frederic in Germany.

Though pope Gregory might not be sorry to witness a state of things which promised important advantages in future, he was at this moment

[1] Conf. *Raumer*, iii. pp. 679 to 685. And see the letters of the Pope on these matters, ap. *Hartzheim*, Conc. Germ. tom. iii. pp. 554 to 556. The suppression of this rebellion occurred in the year 1233.

[m] Conf. *Cath. Pet.* Book xii. c. viii. p. 288.

too deeply involved with his own rebellious subjects[n] to dispense with the services of Frederic. He accordingly denounced and condemned the intrigues of the King-regent and his party, and even threatened them with the censures of the Church unless they immediately abandoned their criminal engagements, and submitted themselves to the clemency of the Emperor.[o] But the promptitude of Frederic disappointed the hopes of the conspirators. He hastened by sea to Aquileia, and soon found himself supported by a loyal gathering of seventy princes and bishops, assembled at Ratisbon. The misgovernment and subsequent treasons of king Henry were fully gone into and proved; the young King was deserted by his own partisans, and driven to the feet of his offended sovereign for pardon on his own terms. Again the affectionate father forgave and desired to forget; but the perverse practices of the son soon convinced the Emperor that no conditions would avail against the pernicious whisperings of the faction to which he had surrendered himself; the pardon was therefore revoked; and the prince was placed in close arrest.[p] At a great diet assembled at Maintz in the following year (1235), king Henry was, after a solemn trial, found guilty of treason, degraded from the regal dignity, and committed to the mercy of the Emperor; and was by him conveyed to the castle of St. Felice, in Apulia, where he was confined till his death, seven years afterwards.[q]

Degradation and imprisonment of Henry.

Frederic II. remained barely a twelvemonth in Germany; but in that time he introduced severe laws for the maintenance of the public peace, the punishment of the late conspirators, and the enlargement of his family estate and influence in the land. But the act which bore most emphatically upon the great question between the Church and the State was a formal resolution of the

The German estates declare Italy to be part and parcel of the empire, &c.

[n] *Raynald*, an. 1234, § i. 2, p. 99.

[o] *Raumer*, iii. p. 693. *Rayn.* an. 1235, § 10, p. 120.

[p] *M. Paris* (p. 351) informs us that after his submission Henry made an attempt to poison his father; and that this was the cause of his imprisonment. The story is probably a rumour, and no more.

[q] *Rich. di S. Germ.* Chron. an. 1235, 1236, ap. *Murat.* tom. vii. p. 1036.

Germanic estates in their legislative capacity, *that Italy was part and parcel of the holy Roman empire, and must at all risks be reconquered and maintained.* It had been, as already observed, conjectured upon plausible grounds that the Emperor's plans embraced not only the reunion of all the disjointed parts of the empire of Charlemagne into one solid dominion, but also the conversion of that dominion into an estate hereditary in his family. And certain it is that the vast increase of territorial power which the suppression of the rebellion in Germany, and the enormous forfeitures which accompanied it, threw into his hands, was a circumstance very likely to raise such a suspicion—a suspicion which, in the jealous apprehension of the court of Rome, could fall little short of conviction. If such was his intention, it is equally clear that he regarded his Italian dominions as the basis of his power. "Italy, he declared, was his inheritance; and that fact, he affirmed, was notorious to all the world."[r]

Frederic appoints his second son Conrad regent of Germany.

The firm establishment of his influence in Germany, though an important, was, after all, only a secondary object of his policy. Unfortunately for the success of his scheme, whatever it really amounted to, his attention was absorbed by Italian affairs; and he resolved, notwithstanding the sinister result of his first experiment for the government of the Germanic kingdom, to repeat it in the person of his second son Conrad,[s] whom, in the great diet from which the declaration of Italian unity had emanated, he had caused to be elected and crowned king of the Romans; under the guardianship of the respectable archbishop Siegfried of Maintz.

Operations against the insurgent cities of Lombardy.

After thus providing for the administration of the transalpine kingdom, he returned to Italy with large reinforcements; and by the zealous aid of the energetic tyrant of Verona, Eccelino di Romano, and a further levy of 10,000 Saracen mercenaries from Sicily, he prosecuted the war against the insurgent estates of Lombardy with vigour

[r] *Matt. Paris*, p. 366. [s] Son of the empress Jolanta of Jerusalem.

and success. The important cities of Padua, Verona, and Treviso, were captured by Eccelino; the powerful Markgrave Azzo of Este was gained, and the gates of Ferrara and Montechiaro were opened to the imperial lieutenants. Mantua surrendered, after a short siege, to the Emperor in person. The territory of Brescia was occupied, and the tide of conquest approached the walls of Milan. In an evil hour for themselves, the confederate forces issued from the gates to arrest the advance of the imperial army. Their position was judiciously chosen; but the abler strategy of the Emperor compelled them to accept battle near the village of Cortenuovo; and a calamitous defeat, attended with the capture of their camp, equipages, a multitude of prisoners, and of their carroccio, or standard wagon, was sustained. This great trophy of victory was ostentatiously presented by the Emperor to the citizens of Rome; and, to the mortification of the court, was received by the senate and people with extravagant demonstrations of pleasure.[t]

Battle and victory of Cortenuovo.

After the excommunication of the Romans in 1234 pope Gregory had returned to Rome for a short period; but the attachment of the citizens to the Emperor, whether owing to bribery—as alleged — or their aversion from the papal government, was not materially shaken. The setting up of the trophy taken at the battle of Cortenuovo was attended with such strong symptoms of disaffection as to induce the Pope to transfer his residence to Agnani, from which city he could carry out his plans for arresting the victorious career of the Emperor in safety. But his proposals for an accommodation between the belligerents in Lombardy were unsuccessful. Frederic, in the elation of recent victory, refused to listen to any terms of reconciliation short of unconditional submission. Only three cities of note, besides Milan, still held out against him; yet the subjugation of these, he foresaw, would put all his powers in requisition; and for that purpose he sum-

War in Lombardy. Enzius declared king of Sardinia.

[t] *God. Monach. Rich. di S. Germ.* ubi sup. p. 1040. *Matt. Paris*, p. 375.

moned his German lieges to join the imperial array in the North of Italy without delay. But in the mean time the Pope had laboured earnestly, and not in vain, to disseminate among the Germanic constituency a general disinclination for the service. A trifling aid only was therefore to be expected from that quarter, and the imperial army was reduced to numbers inadequate to the siege of the populous and still undismayed communities. Brescia resisted the imperial arms with success; but the Romans had declared for Frederic; the island of Sardinia had yielded to the arms of Enzius, a natural son of the Emperor; the country was declared a fief of the empire, and the conqueror was installed in the government with the title of king.[u]

Anger of Gregory IX., and second excommunication of the Emperor.

Sardinia, though never reduced into the possession of the Holy See, had been for many ages past claimed by the court of Rome as an appendage of the patrimony of St. Peter.[v] Its annexation to the empire was therefore treated as an insolent violation of the pontifical domain. The Pope had, for some time, been dissatisfied with the conduct of the Emperor in his wars with his Roman subjects: the promised aid had been of too trifling an amount to assist materially in checking the encroachments of the Romans; and the Emperor, he contended, had needlessly and wilfully abandoned the siege of a castle held by the rebellious citizens against their old enemy, the papal municipality of Viterbo;[w] a conduct which exposed him to the suspicion of secretly fomenting the rebellion. The rejection of his offers of mediation between the Lombard league and the Emperor, added a sting to the resentments of the fiery pontiff, and the imminent danger of his friends and clients in Lombardy seemed to call upon him to discard all half measures, and to

[u] *Rich. di S. Germ.* ubi sup.

[v] Chiefly in virtue of the treaty of Agnani between the emperor Frederic Redbeard and pope Alexander III. in 1176; but the claim was of older date. Conf. *Cath. Pet.* Book xii. c. vi. p. 175 et sqq.

[w] The fort of Raspanpanum had been taken by the Romans from the Viterbians, and was obstinately defended by a Roman garrison against the Emperor in person in the year 1233. The Emperor abandoned the siege after battering the place for a period of two months. *Rich. di S. Germ.* ap. *Murat.* &c. tom. vii. p. 1034.

strike a blow which might afford a diversion in favour of his distressed allies, and arrest the onward career of a hated adversary. Accordingly, on the 20th of March 1239 he thundered the full sentence of excommunication and deposition against "the obdurate enemy of God and the Church,[x] Frederic, the so-called Emperor of the Romans."[y]

Manifesto of the Emperor.

It is obvious from many indications that ever since the treaty of St. Germano (1230), the Emperor had been on his guard against the swarms of Mendicant friars and other emissaries of the papal court, who had busied themselves in unsettling the minds of his German and Italian subjects, and creating that disaffection of which they hoped to take advantage at the fitting opportunity. It is therefore very probable that many of these mischief-makers had been apprehended and punished by his orders. Most of them were clerks in orders, Mendicant friars, it might be bishops and superior ecclesiastics. He had felt himself beset by sanctified traitors and licensed spies; and had, no doubt, more than once entered the sacred precinct and dragged thence the insidious enemies of his life and throne. These acts of self-defence were now quoted against him with studied malignity. The whole of his past life was passed in review to furnish fuel for the wrath of Rome. All doubt—if he ever entertained any—that his dethronement and ruin had been long since determined upon in the councils of his enemy, had now vanished, and he proclaimed the conviction to the world in a forcible address to the sovereigns of Europe. "The boundless ambition of Rome," he said, "had all along

[x] *Rich. di S. Germ.* ubi sup. p. 1041.

[y] The excommunication was based upon sixteen articles of charge, the most of which had not been complained of at the time, or had been condoned by subsequent treaties of pacification: he had, said the Pope, encouraged the sedition of the Romans by the insidious present of the captured carroccio: he had obstructed the Pope's communications abroad: he had interfered in the elections to sees and abbeys: he had cited ecclesiastics before the civil courts: he had seized and imprisoned the adherents of the Pope in Sicily and Apulia: he had forcibly resumed the lands of churches and monasteries: he had confiscated the property of the military orders: he had robbed monasteries, and generally assessed them towards the building and repairs of his castles: he had driven into exile and plundered the adherents of the church, &c. &c. *Matt. Paris*, p. 412.

contemplated not only his own personal destruction, but the overthrow of the empire itself; in order that, after striking down the head, he might have easy work with the other sovereigns of the Christian commonwealth. The Pope had charged him with heresy; the imputation was a false and infamous libel; but if it was a crime to desire the restoration of the Christian Church to a state of primitive purity, he avowed the intent, and would proclaim to the world that so desirable a consummation could not be hoped for until the Christian *priesthood was radically cured of the vice of ambition, and curtailed of their extravagant territorial possessions; he* (the Emperor) *was the supreme guardian of the rights of monarchs*, as the Pope was the guardian of the purity of the faith; and that faith, he was persuaded, could never be put in danger by any external force, but only by the turpitude of its own ministers; it was the duty of the Pope *to abstain from meddling with worldly affairs or the waging of wars.* If he had thought proper to rake up old and forgotten grievances against him, who, he asked, could blame him for retorting the like upon his accuser. 'Let God be the judge between me His soldier and the Pope His vicar; let Him decide upon the justice of the foul attempt to eject me from my kingdom while absent in the service of the Cross, and my estates destitute of defenders.'"[z]

Proceedings of Gregory IX. against the Emperor.

Unquestionably this manifesto, addressed as it was to all the sovereigns of Europe, contained the germ of the heresy always most dreaded by the court of Rome.[a] Here was the *political heresy* of Arnold of Brescia on the throne. For such an offence there could be no forgiveness; every thing now depended upon cutting off the communica-

[z] *Matt. Paris*, p. 413; *Œfelius* Excerpt. ex actis Alb. Behemi, tom. i. p. 799.

[a] It contained in all essential points, with one exception, the substance of the heresy imputed to Arnold of Brescia (conf. *Cath. Pet.* Book xii. ch. ii. p. 40, and ch. iii. p. 66). It approached the heresy of the Albigensian and Waldensian sects—that which drew down upon them, above all other errors, the bloody vengeance of Innocent III. (conf. *Cath. Pet.* Book xiii. c. vii. p. 518 et sqq.) But it did not deny the papal supremacy in terms, though it reduced it to a simply spiritual authority.

tion between the Emperor and his Germanic subjects, and undermining his influence in his transalpine dominions. Immediately after the excommunication, Gregory dispatched his emissaries, Renier bishop of Troyes, with the Minorite monk Philip of Assisi, and Albert Behem, dean of Passau; these worthies carried with them bulls from Rome, accusing the Emperor of every vice under the sun, more especially with *heresy*—a charge which, indeed, included every other crime—parricide, falsehood, cruelty, sacrilege, impiety, perjury, and, to crown all, of a deliberate intent to reduce the Pope and the bishops to utter indigence, in the hope that, after suppressing the guardians, he might be enabled to overthrow the Christian faith altogether: for these unspeakable crimes he had been thrust out of Christian communion, "therefore let no man honour or obey him." This command was to be published and executed with the usual ceremonies of "bell, book, and candle;" and all who, after that, should hold any converse with the condemned heretic and apostate were to be stricken with the like anathema.[b]

Vain efforts of the Pope to create disaffection in Germany.

In Germany, however, there was no tinder ready for the pontifical matchbox. Duke Otto of Bavaria showed some symptoms of disaffection; but, on the other hand, the bishops of the realm advised the Pope to be reconciled to the Emperor; while the latter wisely strengthened his interests and gained a firm friend by condoning the forfeiture of duke Frederic of Austria—who had been condemned for participation in the conspiracy of the king-regent Henry—and restoring him to his estates. The fanatical agent of Rome Albert de Behem met with so general a reprobation that he was compelled to retreat to his convent. The bishop of Freisingen undauntedly declared that *the Pope of Rome had no authority or jurisdiction in Germany without the consent of the bishops of the realm.* "Let him," said the prelate, "shear his Italian flock at his

[b] *Aventinus*, the historian of Bavaria, has a lively description of the corrupt and corrupting practices of Albert Behem. See lib. vii. c. iv. p. 639 of his Hist. Boiariorum, ed. Leipzig. 1720.

leisure; but God has granted us the power and the will to keep that sheep in wolf's clothing at a distance from our fold." Duke Otto of Bavaria had for a time listened to the seductive eloquence of Behem; but the bishop and city of Ratisbon confronted the duke, and branded Behem as a firebrand, a swindler, and a false prophet."[c] The reaction in Germany, consequent on the irregular and corrupt proceedings of the papal emissaries, was so sudden and alarming that the latter wrote to the Pope declaring their opinion that no effectual step could be taken to withdraw the estates from their attachment to the Emperor until a competitor for the crown could be found to hold the balance against the deposed sovereign; if such an one should not be forthcoming shortly, they foresaw that the armed force of the country would hasten to the aid of Frederic in Italy.[d]

Invasion of Europe by the Tartars.

Frederic II. meanwhile properly regarded the papal ban as a formal declaration of war. The patrimony was invaded; town after town, castle after castle, fell into the hands of the imperialists; and the plans of the Emperor, whatever they were, appeared on the point of their accomplishment, when the nerves of all Europe were panic-stricken by the advance of countless hordes of Tartars under the sons of Djenghis Khan into the centre of the continent.[e] In this perilous emergency the Emperor was loudly called upon to lead the forces of the empire against the terrible barbarians; but he declined to quit his post while engaged in war with the Pope, alleging, plausibly enough, that the latter would not fail to avail himself of his absence to eject him from the kingdom. Though, while the danger lasted, he could not expect any accession of force from the north, yet he thought himself justified in reckoning upon the valour and discipline of

[c] The archbishop of Salzburg is reported to have torn up the papal bulls and stamped upon them.

[d] *Arentinus*, in Exerpt. &c. ubi sup. p. 641.

[e] They had obtained a dearly-bought victory over a small Christian army which had dared to encounter their myriads at Liegnitz, in Silesia. The savages appear to have been almost as much alarmed at their victory as the vanquished themselves. Instead of advancing against the empire, they turned southwards and invaded Hungary.

his Germanic subjects, and the numerous fortified towns and castles of the country, to encounter ten times the numbers of nomadic invaders. In this expectation he was not disappointed. The barbarians receded from the frontier, and the alarm gradually subsided.

In the year 1240 Gregory IX. had convoked a general council of the Latin church, to procure a concurrent condemnation of his enemy by assembled Christendom. The Emperor, however, was master of the highways and the seas. Though personally summoned to hear his sentence, he not only returned no answer, but captured a ship-load or two of bishops and ecclesiastics flocking to the council at Rome. The persons of these worthies were committed to close custody, and their treasures and travelling funds appropriated to the use of the captor. The Emperor, who was at that moment engaged in the siege of Bologna, was so strongly impressed with the importance of preventing the meeting of the council, that he raised the siege, and rapidly took possession of nearly every city of the patrimony, when his march was arrested by the news of the death of Gregory IX., in the hundredth year of his age.[f] The war now appears to have slept of itself, and the new pope Cœlestine IV. had no time to revive the projects of his predecessor. He died after a reign of a few weeks only.[g] The Emperor, with intent to prove to the world that he made war, not upon the papacy, but upon the Pope as his personal enemy, immediately liberated the imprisoned cardinals and bishops, and sent them to perform their respective duties at the impending election. But the rival factions in the conclave[h] were so closely balanced, that for a period of more than twenty months no candidate could succeed in procuring the requisite majority.

Council, and capture of bishops, &c.

Death of Gregory IX.

Cœlestine IV.; election and death.

Interregnum.

[f] He had reigned thirteen years five months and four days, between the years 1227 and 1241; according to *Ciaconi*, the Dominican biographer of the Popes, vol. ii. p. 70.

[g] *Ciaconi* says, of only seventeen days, Vit. Pont. vol. ii. p. 95. He was probably an aged and infirm person, and only elected as a stop-gap while the curia were quarrelling about a successor.

[h] To use a term familiar to the after ages, but not perhaps at this point of time strictly applicable.

The Emperor, impatient of a delay which kept him in a state of suspense as to his future relations to the Holy See, bitterly reproached the cardinals for their corrupt and selfish squabbles; "they who were the pillars of the church had made themselves the laughing-stock of the world—each of them intriguing against the other—all wanting to be Pope—no one chosen, and the church every day lapsing more and more into confusion—they were sons of Belial—beasts without a head—sheep of the dispersion, &c."[i] Seeing, however, no immediate prospect of unanimity, he determined to bring them to their senses by force of arms. He again invaded the patrimony, and dealt more severely with the estates of the cardinals than with other property. The expedient proved successful, and the choice of the sacred college—perhaps in revenge—fell upon Sinibald de Fiesco, a Genoese noble, who ascended the throne by the title of Innocent IV.[j]

Election of Innocent IV.

Frederic II., however, was well acquainted with the character of the new Pope, and fully aware that no choice could have turned out more adverse to his interests, or have held out a remoter prospect of the restoration of peace. Innocent on his part had taken up a very decided opinion of the character, the power, and intentions of the Emperor. The hostile principles he had proclaimed, the lordly tone he had assumed, the activity of his military preparations, his popularity in Rome, in Germany, and in his Sicilian kingdom, speedily convinced the new Pope that Rome and Italy could afford no safe basis for future operations. He could count upon no military aid but such as the Lombard league could supply, and there the arms and interests of the Emperor were in the ascendant. But the powerful republic of Genoa still offered important resources to the citizen-pontiff; her fleets were placed at his disposal; and Innocent resolved to remove to a

Innocent IV. retires into France.

From a letter in the *Epp. Pet. de Vineis*, lib. iv. ep. 14, 17, and 32. We have in vain attempted to procure this collection. As far as the writer is informed, it is not in the British Museum. He quotes from *Pfister*, iii. p. 566.

[j] Innocent's election fell upon the 24th of June 1243, at Agnani. *Ciaconi*, ii. p. 99.

distance which the arms of his enemy could not reach, and from whence he could securely hurl his spiritual thunders. But the new Pope had not delayed the commencement of operations for an instant after his election. The Minorite and Dominican friars had received their instructions to strain every nerve in reëstablishing the communications with the pontifical partisans in every region of Christendom. The Emperor on his part exerted the utmost vigilance in detecting and obstructing the intrigues of the pontifical agents, several of whom were captured and hanged with their seditious despatches about their necks.[k] The pontiff himself secretly embarked at Civita Vecchia on board a Genoese galley, and landed safely in his native city. Here he collected his adherents from all quarters; he took the most effectual steps at his command to confirm the Lombards in their rebellion, and to cement his alliance with the lay lords of Lombardy, many of whom were connections of his family.[l] Eluding the vigilance of the Ghibelline partisans and watchers, he safely traversed the Alps, and placed himself and his court under the protection of the semi-independent and powerful archbishop of Lyons.[m]

Innocent IV. curses the Emperor, and accuses him of *heresy*.

The first act of the new Pope, after reaching a place of safety, was to heap the bitterest curses of his church on the head of his enemy. It was understood that before his death Gregory IX. had intended to proceed against Frederic as a *heretic*. A report that he had publicly avowed his belief that "the world had hitherto been the dupe of three impostors—to wit, Moses, Christ, and Mohammed," was without proof adopted as a fact; a deaf ear was turned to the Emperor's loud remonstrance and refutation of the atrocious calumny, and his appeal to a general council of the church against his slanderers fell unheeded to the ground: he was accordingly condemned as a reprobate and an enemy of religion—a

[k] *Matt. Paris.* pp. 534 and 540.

[l] *Ibid.* p. 572.

[m] Lyons, though a city of the Arelatian kingdom, and a nominal appendage of the empire, had long since established a real autonomy, under favour of France and its own remoteness from the centre of government.

malefactor convicted of multiplied perjuries, peace-breakings, sacrileges, and heresies; he was deprived of all earthly honour, character, or possession; his subjects absolved from all duty or allegiance, and commanded to treat him, like other heretics, as an outcast from human society.[n] All who should pay him any respect or duty as emperor or king were included in his condemnation, and the electors of the empire were commanded to proceed forthwith to fill the vacant throne; *as to the Sicilian kingdom, he reserved it to himself to make such disposition as he should be thereafter advised.*

Great council at Lyons.

With a view to collect votes and to measure strength with the imperial party, a general council was assembled at Lyons in the month of June 1245. In his *concio ad clerum* the Pope reiterated the former articles of impeachment against his enemy *seriatim;* and added to these the charges, first, that he had constructed a strong city within the limits of Christendom expressly for misbelieving Saracens: secondly, that he had permitted the practice of their superstitious rites in contempt of the Christian faith: thirdly, that he had contracted and still maintained a special amity with the Sultan of Babylon[o] and other infidel princes: fourthly, that he had polluted himself by illicit intercourse with Saracen women: generally, that he had been guilty of perjuries as numerous as the hairs of his head; nor had ever thought of or intended to redeem any of his covenants and engagements. A hearing was refused to the Emperor's representative; and time to collect evidence, or for the Emperor to defend himself in person in refutation of the principal charges, was peremptorily denied.[p] In contempt, accordingly, of every principle of law or justice,

The curse reiterated.

[n] The entire document is set out in *Matt. Paris*, pp. 573, 586, 587.

[o] Quære, the Sultan of Egypt and Syria?

[p] The paltry interval of a fortnight was granted at the request of the kings of France and England. For this infamous refusal the Pope alleged, with consummate hypocrisy, that if he granted time, it could only lead to a repetition of those intrigues from which he had so lately and so marvellously escaped (to wit, in his journey across the Alps to Lyons); and he declared that if the Emperor came to Lyons, he would take himself off, for that he was not yet quite prepared either for martyrdom or a dungeon.

even without taking the sense of the council, the anathema was published as the act of that body, with all its vulgar insolence and black malignity of purpose on its face. This sanguinary insult for the moment overthrew the equanimity of the Emperor. He was not ignorant that the charge of heresy excluded him from all the rights of humanity or justice—that it exposed his life to the knife of the assassin—and that many a hand would be to be found in the dens of the Preachers and Minorites ready to earn the rewards, temporal or spiritual, promised by the Church to the slayer of the great enemy of God and the Pope. When the intelligence reached him of this murderous attack upon his crown and person, he is said to have glared upon the courtiers around him with a truculent countenance. "Hath he indeed," he exclaimed, "dared to uncrown us! Bring hither the treasure-chest of the empire, and let us see whether the crowns are still there! Yea, but here they are!" Placing then the imperial diadem on his head, he exclaimed, "We have them yet—they are ours still; and neither Pope nor council shall rob us of them without a bloody struggle."[q]

Indignation of the Emperor.

The invention of the charge of heresy was indeed the master-stroke of the pontifical policy. The persecution of the Albigenses, and the introduction of the Inquisition, had fixed and consecrated the theory of persecution; the law of the stake and the fagot had settled down upon the spirit of an ignorant and superstitious generation. No rank, condition, or power was exempt from its operation; and the more exalted the head, the more acceptable the sacrifice to the Roman Moloch.[r] Innocent could not pardon the capture of the bishops, the apprehension of his emissaries, the execution of his sanctified spies and tale-bearers. The Emperor could

Peculiar atrocity of the injury, and sources of mutual hatred.

[q] *Matt. Paris*, p. 595.

[r] Thus *Matt. Paris* (p. 660): "Diebus quoque iisdem Frederici fama non modiocriter cœpit per diversa mundi climata adeo sordere ut jam *pejor Herodi, Juda aut Nerone* censeretur. Talis enim epistolæ (papalis) fœtor exitialis ex factis suis exhalens fidelium audientium aures et corda non sine stupore et gemitu quamplurimum exasperavit."

as little forgive the ubiquitous intrigues of the papal emissaries, the net of plots and treasons which for years past had kept him in a state of anxious and perplexing vigilance. The recollection of these mutual injuries, connected with the late act of the Pope, had engendered an immitigable hatred in the hearts of both; and the only question was, whether the Emperor of the Romans or the Vicar of Christ should deal the most deadly blows.

The bishops of Germany elect Henry of Thuringia king.

While the Emperor was endeavouring to confirm the estates of Germany in their allegiance by new concessions, immunities, and charters of liberty, the Pope had pushed forward his agents into that kingdom, armed with the pontifical bull of excommunication, and a command to the princes and barons of the empire to hasten the election of a new king. The rights of the young king Conrad were passed over as if no such person were in existence.[s] The lay princes, however, adhered to their allegiance, and stoutly maintained that *the Pope had no right to excommunicate, to set up, or to depose an emperor; that his function was ministerial only, and confined to the single act of crowning the candidate elected by the constituency.* On the other hand, the bishops and ecclesiastical dignitaries declared in favour of the Pope almost to a man; and in the month of May 1246 an assembly of prelates congregated at Würzburg, in the absence of the lay barons, and, without a shadow of constitutional authority, elected the solitary traitor Henry landgrave of Thuringia king of the Romans.[t] After the election the fanatical archbishop of Maintz marked the meeting with the sign of the cross, and

[s] King Conrad was afterwards, without a shadow of pretence, included in the excommunication and anathema. But the felonious spirit of Innocent IV. can hardly be more fully exposed than in his correspondence with the Sultan Melahaddin, the son of Kameel, Sultan of Egypt, with a view to withdraw him from his attachment to Frederic II. The unpardonable crime of corresponding with infidels was, however, a merit in the vicar of Christ. But the result disappointed his hopes. "We know," said the Sultan in reply to the papal letters, "more about Christ than you would like to know; we honour Him more than you honour Him. But you *do* know that there has been friendship between us and the Emperor since the days of our father; we will therefore wait to hear what shall pass between him and our envoys before we lay before you our pleasure in the matter." *Albert of Stade*, an. 1246.

[t] The laity laughed at the election, and called Henry the "parsons'-king" (Pfaffen-könig).

published a general crusade against the heretic Frederic, with every privilege attached to the holy war in Palestine.[u]

But pope Innocent had other and more effectual means in store to create disaffection among the sordid and rapacious aristocracy of Germany. A sum of 50,000 marks, collected principally in England, was skilfully and successfully distributed in seducing the barons and subfeudatories of the duchy of Swabia.[v] With the aid of these the pretender inflicted a severe defeat upon king Conrad, near Frankfort-on-the-Mayne, and speedily overran the greatest part of the duchy. But soon afterwards the fortune of war was changed by the loyal exertions of duke Otto of Bavaria. The usurper was in his turn overthrown, and carried off the field of battle with a wound which a few days afterwards put an end to his existence.[w]

Victory and death of Henry of Thuringia.

On the other side the military successes of the Emperor in Italy were not of a nature to make any material impression upon the allies of the Pope in Lombardy. His attention was absorbed in the task of cutting off the communications of the Roman court with its Italian adherents. And for this purpose he resorted to the severest—probably the harshest—measures, more especially against the swarms of Preachers and Minorites who busied themselves at home and abroad in goading his subjects into rebellion. He could not conceal from himself that the accusation of heresy had told against his character and influence. It was therefore imperatively necessary to encounter the calumny by an orthodox profession of faith. Such a confession was accordingly recorded, signed, and sworn to; and, with the cordial approval of the prelates of the kingdom, laid before the Pope. But the surly priest refused even to hear it read in his presence; and dismissed the bearers with the declaration that nothing

Severities of the Emperor; his orthodox confession of faith.

Rejected.

[u] *Matt. Paris*, an. 1246, p. 616. *Raynald* Cod. Ann. *Aventinus*, lib. vii. § 5.

[v] Comprising the vast hereditary estates of the Hohenstauffen dynasty.

[w] *Matt. Paris*, p. 633.

the apostate could say or protest could command a moment's credit from the Holy See. But in order to omit no act which might in the eyes of the world tend to encounter the odious imputation, the Emperor condescended to offer a public act of purgation upon his own oath, and—in conformity with custom—that of a competent number of dignified and trustworthy compurgators. The saintly king Louis IX. of France approved the proposal, and urged its acceptance upon the Pope; but even this humiliating condescension was contemptuously rejected by the latter, with the acrimonious declaration that no earthly consideration should induce him to revoke the sentence pronounced against the heretic and his reprobate son.[x]

William of Holland elected and crowned by the clerical faction in Germany.

Not many months after the death of Henry of Thuringia, a second pretender to the crown of Germany, under papal patronage, was found in the person of earl William of Holland, at that time a minor. He was, indeed, crowned at Aachen, but by so disgraceful a minority as to deprive him of every shadow of title. His election—such as it was—was viewed as the simple act of Innocent IV.; and the latter, in support of his nominee, imposed a levy of one-fifth upon all ecclesiastical income: he published a general license to plunder the property and appropriate the patrimonial estates of the imperial family; and sent his legate, cardinal Capoccio, to the court of the usurper with general powers "to root out, to pull down, to destroy and to throw down, to build and to plant."[y]

War in Lombardy.

In Italy the secession of the city of Parma from the imperial standard was a serious loss. In Germany meanwhile, owing partly to papal management, and partly to the selfish ambition of the several members of the constituency, regular government had

[x] *Matt. Paris*, p. 610. It is remarkable that in all the papal documents the matters of the accusation are stated in the vaguest and most general terms, unaccompanied by the enumeration of any overt acts. All the charges of heresy, perfidy, sacrilege, breaches of treaty, are unsupported by a single specified case or instance.

[y] The common formula. Yet Capoccio was sent "as an angel of peace"! See ap. *Raynald*, an. 1247, § 1 to 8 inclusive, p. 368 to 371, a complete collection of the documents relative to the affair of William of Holland.

fallen almost into desuetude; a state of things on which the papacy had thriven since the days of Gregory VII. While the Guelfic partisans of the Pope were cheered by unexpected successes against the imperial armies, the Pope had managed by the agency of a confidential friend Peter Caboche, and by dint of pardons and the privilege of plunder, to withdraw many Sicilian and Apulian barons from their allegiance.[z] Under the fostering care of the father of the faithful, religion had become in both countries a simple pretext for self-aggrandisement and ruthless depredation. The motives of the papal slanderers were exposed by their naked turpitude, and must probably in the end have defeated themselves if vigour of mind and body had not deserted the Emperor at this critical moment. But, surrounded as he was on all sides by treachery, he lost all faith in human integrity: he suspected all about him; more especially his old friend and counsellor Peter de Vineis. The aged chancellor was thrown into prison on a charge of attempting to poison his master.[a] His gallant son Henzius accidentally fell into the hands of the rebel Bolognese; yet the courage of Frederic never deserted him. And now a turn of fortune seemed to open a way to the very heart of his enemy. The people of Lyons were tired of the corrupt and predatory practices of the Pope and his court;[b] the principal cities of the Arelatian kingdom were on the point of declaring for the Emperor, and a powerful army was collected on the frontier, ready for a rush upon the papal residence, to which no material opposition was apprehended. But, at the moment when the restoration of his fortunes was all but assured, Frederic II. was suddenly attacked by dysentery, which carried him off at Firenzuola on the 29th of November 1250, in the fifty-sixth year of his age, and the twenty-seventh of his reign as emperor.[c]

Losses of the Emperor.

Turn of fortune,

and death.

[z] *Matt. Paris*, p. 662.

[a] A parallel to the case of Theodoric the Great and his minister Boethius. Peter de Vineis destroyed himself in his dungeon.

[b] See *Matt. Paris*, ubi sup.

[c] *Ibid.* an. 1250, p. 695.

CHAPTER III.

OVERTHROW OF THE OPPOSITION—EXTINCTION OF THE HOHENSTAUFFEN DYNASTY.

Spirit of the conflict, &c.—Measures of pope Innocent IV. against Conrad IV. —Innocent IV. sequestrates Sicily and Apulia, &c.—Conrad IV. and Manfred—Exasperation of Conrad—Innocent IV. puts up the kingdom of the Sicilies for sale—Henry III. of England buys and pays, &c.—Death of Conrad IV.—Clamours of the Romans—Innocent returns to Rome, but soon retires, &c.—Disappointments and death of Innocent IV.—Election of Alexander IV.—Manfred—Misfortunes and death of William of Holland, &c.—Anarchy in Germany—Richard of Cornwall buys the empire—Conrad V. (Conradin)—King Manfred and Alexander IV.—Estates of Germany in the cause of Conradin—Death of Alexander IV.—Election of Urban IV.—Urban IV. offers the crown of Sicily to Charles of Anjou—Crusade and defeat of Urban IV.—The court of Rome abandons the project of annexation, &c.—Death of pope Urban IV.—Election of Clement IV.—General policy of the court of Rome during the preceding pontificates—Superstitious apprehensions of the laity—Pope Clement prevents the election of Conradin, &c.—Conradin's prospects—Prospects of pope Clement—Invitation to Charles of Anjou—He accepts the crown, &c.—Diversion of the crusading army—Charles arrives in Rome—He is solemnly invested with the kingdom of Sicily—Capitulation—Difficulties of the Pope and the Pretender—Papal preparations—Coronation of Charles—Defeat and death of Manfred—Tyranny of Charles of Anjou—Henry of Castile senator of Rome—Insurrection against the tyranny of Charles of Anjou—Preparations of Conradin and Frederic of Bavaria—Conradin advances towards Rome—He is cursed by the Pope—Battle and total defeat of Conradin and Frederic—Capture and death of Conradin and Frederic—Extinction of the house and family of Hohenstauffen—European prospects—How far Clement IV. may be charged as an accomplice, &c.

Spirit of the conflict, &c.

THE circumstances of the great struggle of the emperor Frederic II. with pope Innocent IV. and his three predecessors[a] present to our view a moral obliquity conceivable only in a state of things in which the sacred cause of religion is made to afford a warrant for every crime that can be committed in her

[a] Innocent III., Honorius III., and Gregory IX. We omit that of Cœlestine IV., who only sat a few days.

service. The reader—at least the modern reader—of the history of Frederic II. must rise from it with the conviction that, whatever may have been his errors, political or moral—and *they* were not a few—he was drawn into them by the encroaching policy, the craft, and perfidy of his sacerdotal enemies. The intense malignity of heart and intent which stands out in high relief upon the face of every document issuing from the court of Rome in the course of the conflict, proves an unmistakable purpose, at all hazards and at the sacrifice of every principle of moral and political justice, to overleap all obstacles to the realisation of the great scheme of Innocent III., and to that end "to root out, to pull down, and to destroy"[b] the dynasty that still undauntedly stood forth in defence of social rights against theocratic despotism. In this chapter we shall have to record the success of that unholy project; whether to the advantage of the contrivers, or otherwise, must appear in the course of subsequent events.

Measures of Innocent IV. against Conrad IV.

Pope Innocent IV. received the news of the Emperor's death with unbounded demonstrations of delight.[c] The next in succession among the hereditary deniers of papal omnipotence was the second son of the late Emperor, Conrad king of the Germans. At the decease of Frederic II., Conrad IV. was king-regent of Germany. The papal pretender, William of Holland, had suffered a decisive defeat; and extraordinary efforts became necessary to restore the affairs of the Church in that country. A new legate was, without a moment's delay, sent into Germany to warn-off the princes, and more especially the feudatories of the family domains of the Hohenstauffen, from affording aid or countenance to the proscribed sovereign. Swarms of Mendicants were despatched to every province to preach a crusade.[d] Extra-

[b] The above passage in the prophet Jeremiah (i. 10) has been of wonderful service to the papacy—their warrant, in fact, for universal dominion.

[c] "Lætentur cœli, et exultet terra," &c. *Raynald*, an. 1251, § 3, p. 436.

[d] "Let all," he said, "take notice that no descendants of the tyrant and hereditary enemy of our and your Church shall ever, with our consent, inherit either kingdom or estate." *Matt. Paris*, an. 1252, p. 713.

ordinary privileges, exceeding those usually granted to the cut-throat armies of the popes, were conferred upon all who should take up arms against Conrad;[e] and every device that the subtle brain of the friars could spin out was resorted to to seduce the barons and princes of the land from their allegiance.

Innocent IV. sequestrates Sicily and Apulia, &c.

In Sicily and Apulia the balance was held against the Pope by Manfred, the gallant son of the late Emperor, though then only eighteen years of age; and Innocent IV., in order to be nearer the scene of his operations in the South, and probably moved in some degree by the undisguised dislike of the Arelatian subjects of the empire, and the disfavour of the French court,[f] hastened his return into Italy. He took up his residence at Agnani, under the protection of his Guelphic partisans; and from his retreat issued an ordinance confiscating the kingdoms of Sicily and Apulia as a lapsed fief of the Holy See; *he cancelled all the laws and ordinances of Frederic II.;* and sent forth an army of friars to preach the crusade against the pretender, and to withdraw his subjects from their allegiance. It was the great misfortune of the race of Hohenstauffen that they wholly mistook the ground upon which the battle of their fortunes was to be fought out. In consequence of this error, Conrad IV., regarding his prospects in Germany as less promising than in Italy, gladly embraced the invitation of Manfred to take possession of the Sicilian throne. With the aid of a Venetian fleet he reached the Apulian shores, and was recognised as the legitimate successor to the crown of both countries.

Conrad IV. and Manfred.

Exasperation of Conrad.

The first object of his government was, if possible, peace with the court of Rome. But his proposals with that view were passed over with silent contempt. He was led to believe that a serious ill-

[e] They were not only to earn perfect remission and forgiveness of their own sins, but also of those of their fathers and mothers.

[f] To which we shall hereafter have occasion to refer. The diversion of the armament and funds for the liberation of Louis IX. from captivity to his own selfish purposes was viewed with intense indignation by the queen-regent of France, Blanche of Castile.

uess which befel him at this point of time was produced by poison administered to him by the agents of Rome.[g] Conrad in vehement terms laid the criminal attempt at the door of the Pope; and in angry mood renounced all further negotiation with his deadly enemy. "The consequences," says our informant, "were disastrous: all communications were interrupted; murder, rapine, incendiarism, prevailed over the surface of the land; and thus our father the Pope, acting rather like a temporal prince than the successor of St. Peter, hath brought infinite mischief upon the world."[h]

Innocent IV. puts up the kingdom of the Sicilies for sale.

Meanwhile some progress had been made by the papal party towards the conquest of the southern kingdom; and a decree had been procured from a German diet, through their creature and agent William of Holland, declaring Conrad to have forfeited his duchy of Swabia, and all other estates of the family in that country. In Apulia, however, the arrival of the young king speedily turned the scale; and Innocent IV., abandoning all hope of reducing the youthful hero by force of arms, resolved to put up the crown of the Two Sicilies[i] for sale. The offer was successively made to Charles of Anjou, brother of king Louis IX. of France, to Richard earl of Cornwall, brother of Henry III. of England, and subsequently to Edmund the Second, son of the latter prince, then a boy of barely eleven years of age.[j] The Pope promised to furnish an army of crusaders to fight the battle and conquer the kingdom for his son; and in consideration of this promise[k] the vain and credulous prince advanced

Henry III. of England buys and pays, &c.

[g] We are told that, before his departure from Germany, and scarcely a fortnight after the death of his father, he narrowly escaped a plot to assassinate him, set on foot by a fanatical bishop of Ratisbon.

[h] *Matt. Paris*, an. 1252, p. 725. M. Paris names Constantine the Great obviously as the type of secular ambition.

[i] We shall, for the sake of brevity, hereafter call the two divisions of the kingdom by its modern appellation.

[j] Richard of Cornwall is reported to have said, when the conditions of the offer (including, of course, a demand for a large sum of money) were laid before him, "This offer is as if he had said, 'I sell you the moon; go and take possession of it.'"

[k] The crusaders in question were assembled for conveyance to the Holy Land.

a large sum of money, which was applied by the Pope to the levy of a numerous body of ill-disciplined rabble, whose expenses speedily eat up the first advances. A second supply was called for from the same quarter.[1] To the aid of the military force thus collected the Pope brought an array of slanderous tales to bear upon the reputation and conduct of the King; he charged him with crimes of the blackest die, and, among others, of having poisoned his brother Henry, who had not long before died in his Apulian prison; "he was, like his father, a heretic and a despiser of the Church;" with other accusations, says our informant, "too bad to be named."

Death of Conrad IV.

The irregular levies of the Pope were, however, repelled and dispersed by the gallant brothers; and the hopes of the Pope and the king of England seemed remoter than ever from their accomplishment, when fate conspired with their enemies to effect the extinction of the devoted family. In the year 1252 Conrad's nephew Frederic, the only son of his imprisoned brother Henry, died. In the following year his younger brother Henry[m] died at Melfi at the age of sixteen. These deaths the Pope did not fail to impute to the malice of Conrad and Manfred.[n] Of course their remonstrances against this infamous slander produced no retractation; but Conrad IV., notwithstanding some disagreement with Manfred, was by this time firmly seated on his hereditary throne, and his affairs wore a more promising appearance than they had done for years past. But now again fate or poison stepped in to darken the prospects of the dynasty. On the 21st of May, in the year 1254, Conrad himself died of a slow fever, in the twenty-sixth year of his age, leaving one son, then only four years old, behind him in Germany under the tuition of the Queen mother and

[1] In bills, bonds, and negotiable notes on the credit of Henry III., and at exorbitant interest. *Matt. Paris*, an. 1254, p. 767, says that king Henry was "thereunto moved and seduced by the instigation of the devil."

[m] By Isabella of England.

[n] See the different reports of the supposed murders, ap. *Raumer*, iv. pp. 343, 344.

the guardianship of her relative the Markgrave Berthold of Hohenburg.[o]

For a period of eleven years[p] pope Innocent IV. had had no settled residence; he had wandered from place to place, taking up his abode at Lyons, Agnani, Assisi, or Perugia, either from considerations of personal safety or the convenience of his policy. During the whole period the inclination of parties in Rome had fluctuated between the Emperor and the papacy, but had, upon the whole, leaned rather to the Ghibelline than the Guelfic interest. In the year 1254, while residing at Assisi, Innocent received a peremptory message, conveyed through the senator Brancaleone and a deputation of citizens, to return without delay to his capital. "They were," they said, "much surprised to see him leading a wandering life, sometimes in one place, sometimes in another, more like a vagrant or a fugitive than the pontiff of Rome; all this while he had deserted his pontifical duties, neglected his flock, and abandoned them to be torn to pieces by conflicting factions, *while he himself was intent only on collecting money;* for which misdeeds he would one day have to render a strict account to the great Judge of all." They threatened the citizens of Assisi with the worst calamities of war and devastation if they afforded further shelter to the Pope, "whom all the world knew to be the pontiff of Rome and not of Lyons or Agnani, of Perugia or Assisi." Alarmed by these menaces the citizens laid the message of the Romans before the Pope, and with a view to save the people of Assisi from the fate of Ostia, Tusculum, Albano, and Sabina, more lately still that of Tibur (Tivoli), Innocent at once acknowledged the necessity of returning to his capital. "Accordingly," says Matthew Paris, "he caused his horses to be saddled, and set forth in trepidation for the holy city." By favour of the friendly senator Brancaleone he was re-

Clamours of the Romans.

Innocent returns to Rome,

[o] In that age every sudden or unaccountable death was ascribed to poison; thus Conrad IV. was believed to have died, by his brother Manfred's procurement, of slow poison.

[p] From 1243 to 1254.

ceived with all proper respect. But this tranquillity was of no long continuance. The citizens besieged him with an endless variety of complaints and claims;[q] but for a while they were dissuaded by the senator from actual revolt. The demon of sedition, however, was not so easily laid, and the clamours at length became so loud that the Pope thought it prudent once more to take refuge in his asylum at Agnani.

but soon retires, &c.

The premature death of Conrad, however, liberated him from the greatest danger of his position. Manfred indeed remained in possession of important districts within the kingdom of Sicily; but that prince thought it prudent to come to an understanding with the Pope, by which he was allowed to remain in the occupation of certain patrimonial estates of the family. The German guardian of the infant Conrad—or, as the Italians call him, Conradin—had indeed, in compliance with the dying recommendation of his father, endeavoured to ascertain the kind of protection the Pope might be inclined to extend to the infant heir. But Innocent replied to the application of Berthold of Hohenburg on his behalf, that "as to the kingdoms of Sicily and Apulia, they belonged absolutely to the holy see and to him, the Pope; but with reference to the minor, the proper time to inquire into his rights would arrive when he should come of an age to govern." Though, in his compact with Innocent, Manfred had expressly reserved the rights of his nephew, yet it soon became apparent that no terms could, in its present temper, be made with the court of Rome; he himself was soon afterwards driven by the practices of the papists to defend his remaining possessions with the sword; the army collected for his destruction suffered a total defeat; and pope Innocent IV., who had already congratulated himself as sole monarch of Sicily and Apulia, was so deeply affected by his disappointment that he took to his bed, and died at Naples, Dec. 18th, 1254, after a reign of eleven years five months and fourteen days.[r]

Disappointments and death of Innocent IV.

[q] The enumeration in *Matt. Paris*, p. 757, is not very intelligible.

[r] See *Nicolas de Jamsilla*, ap. *Murat.* tom. viii. pp. 507, 513. *Raynald*, an.

At the moment of his death at Naples, Innocent IV. was attended by a court of thirteen cardinals. After that event some appearance of disagreement as to a successor induced the prefect of the city to use gentle force to compel them to an immediate election; and they released themselves from a temporary imprisonment by electing Raynaldus de Segni, cardinal-bishop of Ostia, and a relative of Innocent III. and Gregory IX., by the name of Alexander IV.[s] After his late victory over the pontifical army Manfred speedily reduced the greater part of the kingdom on both sides of the Faro to obedience. The claims of the distant infant, in whom the rights of the Hohenstauffen family now centred, were overlooked, and the actual possessor of the kingdom—possibly upon a false report of the death of Conrad the younger—caused himself to be crowned King of the Two Sicilies at Palermo.[t] Duke Louis of Bavaria, the uncle of the young Conrad, remonstrated indeed against the usurpation; but Manfred, with reason, replied that "he had been elected king by the unanimous voice of the people whom his single arm had delivered from a foreign yoke, and that he had resolved to retain the crown as long as he should live; after his death Conrad might step in;

Election of Alexander IV.

Manfred.

1254, § 18, p. 46. *Ciacone* Vit. Pont. tom. ii. p. 103. *Matt. Paris*, an. 1254, p. 771. It is tolerably clear that a strong impression existed in the minds of men—probably of all parties—of the iniquities of Innocent IV.'s reign. The fable of the vision told by Matthew Paris as having happened the night after the death of the Pope could hardly have gained currency in the religious world of that day, if there had been no general disapprobation for it to take root in. The story told by Matthew runs shortly thus: A certain nameless cardinal saw in vision on the night in question the Saviour, accompanied by the blessed Virgin on his right hand, and the figure of a matron, representing the Church, on his left, sitting in judgment on the Pope. The accusing figure impeached him—1st, of violating the liberties of the Church; 2dly, of converting the Church into a table of money-changers and a den of extortioners; 3dly, of having perverted justice and falsified the truth: the accuser accordingly called for judgment on the offender; whereupon the Lord said to the delinquent, "Get thee hence, and take the due reward of thy misdeeds." The cardinal awoke in terror; he raved like a madman; but having recovered his composure he told the story to those about him, so that it became current in those parts.

[s] The election took place on Christmas-day 1254. Among the electors were two Fieschi, relatives of Innocent IV., and a cardinal Capoccio, one of his confidential ministers. Of the others nothing is recorded. Four of the college at least were devout adherents to the policy of Innocent IV. Conf. *Ciacone* Vit. Pont. tom. ii. p. 135.

[t] In the year 1258(?)

but if he expected to succeed, he must be brought up in Italy, inasmuch as the *Sicilians would never more consent to be governed by a German.*"

Misfortunes and death of William of Holland, &c.

Reverting for a moment to the affairs of Germany, in connection with the tragical fate of the last of the Hohenstauffen, we observe that after the departure of Conrad IV. for Italy, the usurper William of Holland had found himself in the position of a helpless instrument of that disorganising policy by which the popes had hitherto so greatly profited. He had no power to prevent a total disruption of the polity of the empire. Without money or credit, he could neither coerce nor buy off the turbulent constituency; and in the year 1256 he was accidentally killed in a feud with his native subjects for refusing services he could not pay for. The attention of the secular princes was absorbed in schemes of individual aggrandisement; and, under the fostering care of the court of Rome, the whole power of the state had fallen into the hands of the great prelates of the realm. In such a position their interests pointed naturally to Rome as the fulcrum of their movements. The archbishops of Cologne and Treves took the lead in the election of a successor to William of Holland. Each of these great prelates, however, had selected a candidate of his own; the former nominated Richard earl of Cornwall; the latter proposed Alphonso king of Castile, a descendant of the late dynasty; and the real question now was which of the two should bid highest for the honours of empire. The parties took the field; the archbishop of Treves was defeated, and Richard of Cornwall, arriving in Germany with a treasure estimated at 700,000*l.*, speedily silenced all opposition, and was acknowledged king of the Germans and emperor-elect. Meanwhile Alexander IV. had evoked the decision between the two candidates to himself. But on this occasion, as heretofore, the usual reluctance of the estates of the realm to submit their rights to the

Anarchy in Germany.

Richard of Cornwall buys the empire.

papal arbitrament, disappointed the hopes of the court of Rome, and the question between the papacy and the rival kings was hung up till the death of Richard, in the first year of pope Gregory X., A.D. 1271.

At the moment of the accession of Alexander IV., the younger Conrad, or as he is called by the Italians, Conradin, was receiving his education under the guardianship of his mother, his two uncles Louis of Bavaria and Henry of Hohenburg, and the bishop of Constance. These princes, in his name, administered the great duchy of Swabia, and the patrimonial estates of the family. Conrad is represented to us as a youth of promising abilities, and the personal beauty of his race. But, for a period of fourteen years, our attention is called to the principle and practice of pontifical policy during the pontificate of Alexander IV., and his two successors Urban IV. and Clement IV. Within this period the empire was in abeyance. Notwithstanding the repeated declarations of Innocent III. that an imperial executive was essential to the existence of the papacy, the popes seem by this time to have found out that they could manage pretty well without an emperor. It is true that the factious citizens of Rome still persisted in their rebellion against their spiritual sovereign; but with the support of the preponderant Guelfic interest in Italy, and the military occupation of the principal cities of the Patrimony, he was at no loss for a safe station from which he could hurl his spiritual thunders, and direct the movements of his armies. About two years and a half after his accession Alexander IV. retired from Rome,[u] and resided during the remaining three or four years of his reign partly at Agnani, and partly in the loyal city of Viterbo. Manfred was the enemy to be dreaded; and now that the scheme of Innocent III. for the final separation of the kingdom of the Sicilies from the empire was, to all appearance, accomplished, no motive but that of simple ambition and per-

Conrad V. (Conradin).

King Manfred and Alexander IV.

[u] His retirement took place in May 1257; he never returned to Rome. *Art de vér. les Dates*, i.

sonal hatred can be assigned for the bitter hostility of the pontiff and his successors to the reigning sovereign of that country. The new Pope, however, finding his military efforts unavailing against the valour and discipline of Manfred and his army, fulminated sentence of excommunication, and published a general crusade against him. With the aid of large sums of money, extracted from the vanity of Henry III. of England,[v] he managed to carry on the war, though with equally little success, for some years longer. The hopes of subduing his enemy became at length so faint, that he resorted to the expedient of holding out hope of support to the younger Conrad, with a view rather to create a diversion in his own favour than to reseat the descendant of his hereditary enemy on the throne of his ancestors. A hint was conveyed to the guardians of the young prince that he (the Pope) would not object to his stepping into the place of the usurper Manfred, provided he should find him a dutiful vassal of the Holy See. But at this juncture some apprehension of the designs of Manfred, entertained by the Guelfic cities of Italy, had turned their eyes in the same direction; and the secular estates of Germany, in opposition to Richard and the ecclesiastical faction, had taken some steps—not without good prospect of success—to procure the election of Conrad the younger as king of the Germans.[w]

Estates of Germany in the cause of Conradin.

Such a proposal could not be otherwise than highly displeasing to the papacy. But at this juncture the death of the Pope appears to have suspended the action of the Holy See. Alexander IV. died at Viterbo on the 25th of May 1261, after a pontificate of six years six months and five days. The sacred college was at this moment reduced to nine members, of whom one was absent abroad. The remaining eight could not agree upon any one of their

Death of Alexander IV.

[v] In consideration of the investiture of his son Edmund with the kingdom of the two Sicilies.

[w] Earl Rudolf of Hapsburg appears for the first time in history on occasion of his support of the pretensions of Conradin.

number, and, after a fierce contest[x] of three months' duration, they at length chose James Pantaleon, a native of Troyes in Champagne, whom Alexander IV. had consecrated patriarch of Jerusalem.[y] The new Pope took the name of Urban IV.: he signalised himself throughout his short pontificate, of a few days over three years and one month, by a hatred of the house of Swabia more acrimonious, if possible, than that of either of his two predecessors. Hitherto king Manfred had baffled every attempt of his enemy to eject him from the kingdom. The scheme of the late Pope to substitute an English prince had failed with the failure of the funds supplied by Henry III. Proposals to the same effect made by the court of Rome to other princes had led to no result. The power of Manfred was becoming every day more formidable. The apprehensions of the Guelfic party were alive to the danger. Even Conradin had (as we have seen) been thought of as a balance to the popularity and military power of his uncle. Under pressure of these circumstances, pope Urban renewed the application of his predecessor Innocent IV. to Charles of Anjou, count of Provence, and brother of Louis IX. of France. The prince was entreated to fly to the rescue of the Church, and with armed hand to conquer and hold as sovereign the kingdom usurped by the excommunicated "traitor" Manfred. As a further encouragement, the Pope republished the crusade against the usurper, with the like indulgences granted by Alexander IV. to the pious pilgrims who in his service had left their bodies upon the plains of Apulia. But in the following year the Pope had the mortification to learn that a large party among his Roman subjects had pitched upon Manfred himself as a proper candidate for the great office of Senator. The Pope encountered this design by nominating Charles of Anjou to the dignity. The French prince accepted the ap-

Election of Urban IV.

Urban IV. offers the crown of Sicily to Charles of Anjou, &c.

[x] *Ciacone* (ii. p. 146) says of this election, "Ingentes de pontificatu contentiones exarsere."

[y] *Ibid.* ubi sup.; *Art de vér.* &c. i. p. 301.

pointment, and prepared actively for the expedition which was to procure for him a kingdom, and to the court of Rome revenge for the long series of defeats and humiliations sustained at the hands of the Hohenstauffen.

Crusade and defeat of Urban IV.

Since the first diversion of the crusade from its legitimate object for the destruction of the heretics of southern France by Innocent III., the armies thus raised by his successors had become the habitual resort of adventurers and vagabonds of every rank. The spiritual indulgencies and forgivenesses were indeed regarded as incidental advantages, but weighed little in the scale against the chances of plunder and the gratification of every sensual passion that haunts the heart of uncivilised man. The military rabble collected by pope Urban IV. greatly outnumbered the troops collected by Manfred. The latter wisely retreated before them, and waited till want and the failure of funds—as usual—compelled them to evacuate the districts they had overrun. The papal army melted away almost as quickly as it had been gathered together. To add to his mortification, the Pope was informed of the progress of the scheme for placing the younger Conrad upon the throne of Germany. A vehement protest was despatched to the prince's guardians and the constituency of the kingdom against the project. "The race of Hohenstauffen," he said, "excelled in the bitterness of their persecutions all other enemies of the Church: the leaven of malice had been transmitted from father to son—from one generation to another—without intermission: in the kingdoms of Sicily and Apulia more especially, the property of the Church had been plundered, and persecution in all its forms had raged most furiously."[z]

[z] All the documents relating to the transactions of Urban IV. with Manfred are set out *in extenso* by *Raynaldus*, an. 1263 and 1264. There is scarcely a charge in the whole catalogue of crime that is not laid at the door of the enemy of the Church. The savage Charles of Anjou is, on the other hand, decorated with every virtue of a soldier and a Christian prince. The real offence throughout all these libels was that Manfred had taxed the churches, and made the clergy responsible for their treasonable plottings against his government. He had punished the papal spies and emissaries,

But Urban IV. did not survive to reap the fruits of his labours. It was with unfeigned reluctance that he, like his two predecessors, had yielded to the abandonment of the project of finally annexing the kingdom of Sicily to the Patrimony; a plan which, if successful, would not merely have rendered them independent of the refractory Romans, but would have placed in their hands a military force adequate to any further acquisition for which they could have found a pretext in any genuine or fictitious title-deed it might please them to put forward. The offer of the crown to foreigners was a pregnant acknowledgment that they despaired of holding it by their own power, and that they must be contented with such profits and revenues as might be obtained from a hired substitute for the ancient sovereigns of the realm.

The court of Rome abandons the project of annexation, &c.

Pope Urban IV. died at Perugia on the 2d October 1264, after occupying the chair of Peter for the short term of three years one month and four days. Though Urban had increased the members of the sacred college to twenty-two, the same disgraceful dissensions as had occurred at his own election now again afforded evidence of the selfish ambition of the sacred college. Four months and some days elapsed, during which these contentions absorbed the attention of the electors. Finally, however, the choice of a Pope was intrusted to six of the number, and this committee raised to the throne Guido cardinal-bishop of Sabina, by the name of Clement IV. The new Pope was enthroned on the 5th of February 1265. He was by birth a native of the south of France, and reputed to be a man of integrity and ability.

Death of pope Urban IV.

Election of Clement IV.

Great men, and those who have played a distinguished part in the management of the world's affairs,

and put down every insurrection fomented by them in Sicily and Apulia; he had employed Saracen auxiliaries, and extended to them indulgences which were construed against him as apostasy from Christianity: finally, in contempt of the papal anathema and interdict, he had caused divine service to be celebrated in the churches with the accustomed forms. See the enumeration of these offences in the letter of Urban to Louis of France, *ibid.* an. 1264, § 18, p. 134.

General policy of the court of Rome during the preceding pontificates.

almost invariably bequeath their principles of government, and in a measure their individual character, as a legacy to their successors. Innocent III.—the greatest of popes—had been dead for rather more than fifty years. Yet his policy had not only outlived difficulties and obstacles apparently insuperable, but had gained strength and consistency during seven succeeding pontificates. The machinery for the maintenance and extension of the pontifical scheme had gone on improving in consistency and power. A vast spiritual army had been collected and organised. Legions of preachers and Minorites overspread the whole area of Christendom, ready to march out upon any service the court of Rome might have for them to do. With principles of action bearing a strong resemblance to those of the Ishmaelians, or Assassins of the East, these swarms professed blind obedience to the man of the Seven Hills. With the zeal of fanatics they combined the discipline of soldiers; though perhaps with this difference, that where—as must often have been the case—specific instructions might be inconvenient to the principals, they were under little difficulty in discovering the intent of their chief, and acting up to the spirit of the system of which they were the sworn agents, collectors, and bailiffs. Superseding by their activity and ubiquity the Cistercians and the more ancient orders, they successfully imbued the mind of the commonality with an unreasoning hatred of heresy and dissent; and rendered invaluable services in the establishment of the Inquisition of the faith, an object to which the bowels of Rome continued (and ever must continue) to yearn with unspeakable affection. They haunted the courts and palaces of kings, princes, and nobles: they acquired intimate knowledge of, and interfered with overpowering influence in, the domestic affairs of families, and directed the consciences of the highest and lowest classes of society. Their communications with their masters and chiefs were rapid and uninterrupted; their agency alternately loud and ostentatious, or secret and mysterious, yet rarely mistaking the object, or trans-

gressing the limits prescribed to them by the wire-pullers at Rome.[a]

Superstitious apprehensions of the laity.

With the command which so perfect an apparatus secured over the religious mind of all classes of laymen, we wonder how the ill-directed and unorganised resistance of secular interests could maintain the struggle at all, rather than that it should at length have admitted its defeat, and taken refuge in a silent and obstructive resistance, which seemed to afford the only chance of escape from that servile condition to which it was the undisguised intent of the papacy to reduce the secular powers of Christendom. The last shadow of opposition *upon principle* was about to pass away with the dynasty of the Hohenstauffen, and thenceforward we have to look to the enduring though irregular action of human passions and interests; but, more than all, to the advances of civilisation (to which a mysterious providence had decreed that the hostile system itself should be auxiliary), for the overthrow of a principle of government that must have plunged the world into a torpid routine of pursuit and practice.

Pope Clement prevents the election of Conradin, &c.

The monkish simplicity of the character of pope Clement IV. rendered him perhaps the fittest instrument for carrying out this policy that could have been found. His path lay clearly before him. He marched on with monastic pedantry,[b] and the faith of a stern believer, in the beaten track of his predecessors. Their creed was his creed; like theirs, his religion was a political religion, though dashed perhaps with a little more of the genuine spirit than that of Gregory IX. or Innocent IV. His first object after his accession was to prevent the election of Conrad the younger in Germany. His aversion from the Swabian dynasty was as settled a principle in his mind as his hatred of the author of all evil. Soon after

[a] The theological speculations of the Franciscans were sometimes troublesome; and their squabbles with the Dominicans occasionally gave uneasiness to the court of Rome. But these peccadilloes were easily forgiven in consideration of services which cost little or nothing to their principal.

[b] He joined the Carthusian order, noted for the severe asceticism of its practice. *Raynald*, an. 1265, § ii. p. 158.

his accession he wrote to the archbishop of Maintz and the bishops of Germany, that though he should not have felt any repugnance to the election of the younger Conrad, if he had had reason to be satisfied of his good disposition, yet that he had received credible information that he was possessed with "a precocious spirit of wickedness"—that, in short, he was "a bloated stripling," to whom no countenance ought to be afforded: consequently all who should afford him any assistance, or take any part in his election as king of the Romans, must fall under the anathema of the Church; if clerks, be condemned to the forfeiture of their preferments and revenues; and, *if lay princes, to the loss of their elective franchise even to the fourth generation of the offending parties.* The same anathema was denounced against all who should feloniously give countenance or assistance to the said Conradin towards the reconquest of the kingdom of the Two Sicilies; and he directed that edict to be published in all churches once every month at least—if necessary oftener—in the presence of the clergy and people.[c]

Conradin's prospects.

Still if, after the fashion of the Roman Didianus, the younger Conrad had been supplied with the requisite funds to purchase the empire, he would have stood a fairer chance than even Richard of Cornwall with all his treasures. Certainly the princes—more especially the spiritual princes of the realm—were ready to adopt the example of the Roman prætorians. The crown was in the market; but the pontifical thunders roused the sellers from their dream of gain. The prospects of Conradin became day by day less promising. To satisfy the greedy appetites of his supporters—among them his uncles and guardians—he had consented to the alienation of the last acre of his patrimonial domains, and he, with the remaining adherents of his family, was reduced to a state of extreme penury.

Prospects of pope Clement.

All danger to the papacy from the side of Germany was thus, for the present, at an end. Fraud, faction, corruption, and rapacity, under the

[c] Conf. *Raynald*, an. 1268, § 4, p. 234.

fostering patronage of legates and monks, had so thoroughly broken up the coherency of the empire, that concert or union for any common purpose was not to be thought of. Manfred was now the only enemy to be dreaded; and we are constrained to admit that the papal plan for his destruction was framed and executed with skill, vigour, and perseverance. While he was in the land of the living—while the vain and irritable people of the capital could look to any external support against their exiled master—pope Clement IV. could hardly hope to enjoy a quiet moment. Foreign affairs at this time wore a bleak and dreary aspect. The disturbances which had broken out in England deprived the Pope of the funds his predecessor had contrived to extract from the credulity and prodigality of the King.[d] In Hungary and Poland the apprehensions kept alive by the Tartar hordes still threatening the frontiers of those kingdoms, cut off all supply from those quarters. The intestine divisions in Germany; the quiescent attitude of France under the pious king Louis IX.; the incessant wars of the Christian princes of Spain against the Moors; the decline of the affairs of the Latin empire of Constantinople, and the imminent peril of the Holy Land—all these adverse circumstances taken together spread a dark veil over the prospects of the papacy, political and financial, in the most important states of Europe.[e] But even in Italy the power of Manfred was not bounded by the limits of the kingdom of the Sicilies. His Ghibelline partisans in the north, more especially the powerful maritime republic of Pisa, adhered stoutly to his interests, and their fleets might afford protection to his coasts, and oppose serious impediments to the naval armaments of his enemies. Against so formidable a foe no domestic aid was to be expected,[f] and Clement resolved to revive and support with all his funds and interest, spiritual and temporal, the project

[d] See p. 86 of this chapter.

[e] *Raynald*, an. 1265, § 11, p. 160.

[f] The Guelfic cities of Lombardy and Romagna were too much engaged by their own dissensions to contribute either men or money for the support of their patron the Pope.

of his predecessor for transferring the kingdom of Manfred to some foreign prince, rich and powerful enough to undertake the venture with a fair prospect of success.

Invitation to Charles of Anjou.

To that end he confirmed the powers of the cardinal-legate Simon, whom Urban IV. had sent into France to invite Charles, count of Provence and Anjou, the brother of Louis IX., to take possession of the crown of Sicily, and to publish a crusade in that country against "the execrable usurper and tyrant Manfred of Tarentum." The French ports on the Mediterranean had always been the prolific feeders of crusading adventure. Considerable bodies of pilgrims continued to arrive on the coast bound for the Holy Land; but far more ready to earn the forgiveness of their sins, and accept license to plunder and slay in any quarter pointed out by the father of Christendom. The cardinal was empowered to absolve these worthies from their engagement, and to promise them every advantage that might have been attached to their first vows, on condition of consenting to serve with the like zeal against that detested enemy of Christ and His Church, the infidel "sultan of Nocera."[g]

He accepts the crown.

Charles of Anjou accepted the papal commission with the eagerness of an adventurer, and in the reckless spirit of a true crusader. In the confusion of the times he had already successfully invaded the Germanic kingdom of Burgundy, and appropriated the greater part of the beautiful region of Provence, with the cities of Arles and Avignon and the port of Marseilles, points affording an excellent rendezvous for the reception and embarkation of the hordes of military adventurers whom the pontifical emissaries had brought together for the rescue of the Holy Land from a state of peril which at that moment threatened the expulsion of the Christians from Palestine and the final extinction of the Latin power in the East.

Division of the crusading army.

The change of their destination was hailed with

[g] An odious sobriquet attached by his enemies to the Swabian prince from the military establishment he had settled at Nocera in Calabria, as a convenient dépôt for the Saracen auxiliaries imported from the middle regions of Sicily and other quarters.

delight by the pilgrims of all ranks, and an army was extemporised for the service of the Pope, composed—among elements of an inferior description—of some of the bravest of the chivalry and gentry of France. With a select detachment of this force, Charles of Anjou set sail from Marseilles, and successfully evaded the fleet of Manfred, engaged in watching the port, under his admiral Pallavicini. At Rome he was received by the fickle populace with distinguished honours, and in the character of senator lodged in the pontifical palace of the Lateran; a presumption which drew upon him a severe censure from his offended patron.[h] The error, however, was promptly corrected, and four cardinals received a commission from Clement, as lord paramount, to invest him with the kingdom of Sicily on both sides the Faro of Messina, after subscribing, and confirming upon oath, the conditions the commissioners should lay before him on the part of the Holy See. The capitulation demanded upon the occasion was drawn with great care and minuteness of detail. It set out in the first place a rule of succession, embracing descendants and collaterals of the issue of Charles of Anjou, both in the male and female line, but with a preference to the male as long as any such capable of defending the kingdom should be in being: if, notwithstanding, the crown should devolve upon a female, she was precluded from marrying without the previous approval of the Pope, otherwise she forfeited the crown without appeal: the kingdom to be and remain one and undivided, with stringent provision for maintaining the *dominium supremum* of the Holy See: at every succession the new king or queen to do liege homage to the Pope and his successors, according to the form of the oaths rendered by Peter of Aragon, John of England, the lord of Sardinia, and others: neither Charles nor his successors was by act, word, or deed, to

Charles arrives in Rome.

He is solemnly invested with the kingdom of Sicily.

Capitulation.

[h] Never yet had sovereign or prince, or any human being, dared to invade the sacred precinct. The act was a derogation from the dignity of the Holy See—an attempt by a layman to put himself on a level with the majesty of the chair of Peter. *Raynald*, an. 1265, § 12, p. 161.

take any step to cause himself to be elected emperor or king of the Germans, or to accept any such nomination if offered, on pain of instant and irrevocable forfeiture: he engaged moreover, for himself and his successors, to pay an annual tribute of 8000 ounces of gold into the pontifical treasury, so that if the tribute should at any time be six full months in arrear, the kingdom was to pass at once from the defaulter to the Holy See:[i] the Pope to be presented every three years with a white palfry for his own personal use: three hundred knights to be kept constantly on foot, and completely armed, for the service of the Holy See in her wars, and to keep the field for the full term of ninety days: the king to take upon himself the maintenance of the ecclesiastical police; to watch over and preserve the privileges of bishoprics, abbeys, and other establishments against all injury or encroachment, and to protect their estates, rights, and immunities, whether it were of *elections*, *postulations*, *nominations*, *provisions*, and the rest, against all the world: all elections to be free and exempt from interference; so that the royal license should be wholly excluded *both before and after the election:* all ecclesiastical causes to be carried immediately before the spiritual courts, with appeal to the Holy See:[j] the laws enacted by the *tyrants* Frederic II., Conrad IV., and Manfred, contrary to the dignity and prerogative of the Church, to be forthwith repealed.[k]

This act of settlement was signed and sworn to by the pretender in the great basilica of St. Saviour of the Lateran, before the high altar, on the 29th of May 1265. But the coronation was deferred till the follow-

[i] After the first two months' default excommunication followed *ipso facto;* after the lapse of the next two, if not paid then, the whole kingdom to fall under the interdict; if delayed for two months more after that term, the forfeiture to take immediate effect. *Raynald*, an. 1265, § 18, p. 162.

[j] By the term "ecclesiastical causes" was always meant all causes in which a spiritual interest or person was involved.

[k] The laws, namely, which rendered the enormous estates held in feudal tenure by the Church exempt from contributing to the service of the state, in consequence of their being occupied by churchmen; as also the law of mortmain, introduced by Frederic II.; but more especially those ordinances which made the clergy liable to the civil courts for murders, robberies, and felonies of various kinds, and punishing traitors, spies, and sedition-mongers. *Raynald*, an. 1265, § 16-18, p. 161-163.

ing Christmas-day. Meanwhile the force which Charles of Anjou had brought with him was obviously insufficient to meet the more numerous levies of Manfred. A period of nine months elapsed, during all which time the troops, both in the Patrimony and abroad, must subsist at the charge of the pretender and the Pope, until they could be conveyed to the scene of action.[1] The pontiff could not yet approach his capital with security; but a lively correspondence was carried on between Charles at Rome and the Pope at Perugia; the former demanding supplies of money, and the Pope protesting his inability to raise another shilling.[m] Charles and his patron were in fact reduced to great straits for funds to set the army in motion. Meanwhile Manfred—so the annalist informs us—"with his army of Saracens and other infidels," had made a formidable incursion into the pontifical states, and pushed on almost to the gates of Rome, with the intent of drawing out his adversary before further reinforcements should reach him. Clement, apprehending that some rash movement on the part of the impetuous warrior, whom he had hired at so heavy a price to do his work, might plunge him prematurely into action, sent him a peremptory prohibition to meet Manfred in the field; and the latter finding that the senator-king could not be drawn from his lair, suddenly withdrew and hastened into Sicily.[n] The plan of pope Clement was, however, by this time ripening into action. The French prelates of Bourges, Narbonne, and Sens, had raised the standard of the cross, and published the papal ban in the broadest terms of pontifical reprobation against the "offspring of the viper brood," which

Difficulties of the Pope and the pretender.

Papal preparations.

[1] It is probable that they could only reach Rome by driblets, in consequence of the vigilance of Manfred's cruisers and the Pisan galleys.

[m] *Raynald*, an. 1265, §§ 21, 22, p. 163. "England," he said, "will not bleed; Germany is reluctant and hangs back; France murmurs and grumbles; Spain cannot spare a farthing; Italy plays fast and loose with us. How can the Roman pontiff get on in such a state of things?"

[n] "Nobody," says the annalist, "could tell why." But Manfred was at this moment surrounded by papal traitors and mischief-makers. It is probable that some local insurrection in Sicily called him away at this juncture.

had well nigh stung the Church to death.[o] Notwithstanding the poverty of both parties, detachments of pilgrims continued to arrive. The Guelfic party in Northern Italy was gaining strength and consistency: several defections from the party of Manfred are noticed by the writers of the period: Pisa itself had shown symptoms of wavering, the margrave of Montferrat (Piedmont) had gone over to the Pope; and the papal legates and emissaries perambulated the country more freely and in greater numbers than ever.[p]

Coronation of Charles, &c.

The extraordinary efforts of Clement IV. to raise money for his enterprise in Germany, France, and England will be noticed hereafter. Funds, it appears, were collected sufficient to prevent the dispersion of the army. Charles and his ambitious consort, Beatrice of Provence, were crowned at Rome by a commission of five cardinals, the Pope still hesitating to trust himself in the hands of his mutinous subjects.[q] By this time the "army of the cross" had swelled to a number so considerable, that supplies must soon have failed; many disorders had already broken out among the troops; contributions had been levied upon the districts in which they were quartered; nobility, churchmen, and commonality suffered alike from the depredations and extortions of the needy soldiery. On behalf of the clergy the *jus ecclesiasticum* was solemnly invoked against the offenders, but apparently with little effect; and it became necessary at all risks to get rid of the swarm of hornets which had settled upon the land. A cardinal-legate was sent into Sicily to hasten the outbreak of the conspiracy already matured in the island;[r] and Charles was now prevailed upon by the urgent entreaties of the Pope to strike a blow without delay.

Greatly outnumbered in the field, Manfred retreated

[o] See the terms of the pontifical brief to those prelates, ap. *Raynald*, an. 1265, § 26, p. 165. Manfred had not merely imitated the "damnable practices" of his progenitors, but had left them behind him in all manner of iniquity, more especially in the severity of his police against clerical malefactors.

[p] *Raynald*, an. 1265, § 28, p. 165.

[q] *Ibid.* an. 1266, § 1, p. 184.

[r] *Ibid.* an. 1266, § 7, p. 186.

before the army of the crusaders, and took up a strong position in the vicinity of Beneventum. But he was by this time enclosed in a net of treason; and, in an evil hour, suffered himself to be persuaded to risk all on the event of a single battle. The ensuing engagement was, we are assured, one of the most sanguinary that had occurred within the memory of man. The Saracen auxiliaries fought with the courage of despair; victory was already in the hands of Manfred, when suddenly the principal barons of Sicily deserted to the enemy and turned their arms against their sovereign. Surrounded by foes on all hands, Manfred and his gallant infidels fell to a man on the field, and the conquest of the kingdom was accomplished at a single blow.[s]

Defeat and death of Manfred.

But speedily the traitors had reason to bewail their error with tears of blood. Under the auspices of one of the most accomplished of the tyrants that figure in the world's history, cruelty, rapacity, lust, and corruption wrought their perfect work. All parties heartily joined in detestation of the new sovereign and the robber chivalry he had brought with him from the great hive of predatory adventurers.[t] It is fortunately no part of our duty to enter into any detail of the inhuman dealings of the man whom Rome delighted to honour, against the hapless family of Manfred, and all whose blood it suited his policy or his caprice to shed. A single circumstance that contributed mainly to the final tragedy which closes the history of the Hohenstauffen must be noticed. Henry of Castile and his brother king Alfonso X. were at variance, and the former took refuge at the court of the Saracen king of Tunis. By making himself useful to that prince, and by successful enterprise, he had amassed a great fortune; and a considerable retinue of knights-errant like himself had attached themselves to his person, or perhaps rather to his trea-

Tyranny of Charles of Anjou.

Henry of Castile senator of Rome.

[s] The battle was fought on the 6th of January 1266.

[t] For a full account of the character and government of this chosen son and champion of the Church, we must refer the reader to *Raumer*, Gesch. der Hohenstauffen und ihrer Zeit, book viii. c. 7, p. 534-540.

sures. Thus provided, he hastened to join in the winning game of Charles of Anjou, and was by him permitted to assume the dignity of senator of Rome; an office which the latter found it expedient to abdicate in his favour, but not before he had possessed himself of the bulk of his treasures in the shape of a loan, intending to hold them as a pledge for his future subserviency. But the prince of Castile could not submit to stand at the foot of a throne which he deemed himself equally capable of filling. He petitioned the Pope to instal him in the kingdom of Sardinia as a vassal of the Holy See. Clement IV. listened to the ambitious suggestion; the new king of Naples entered a vehement protest, and the negotiation dropped. Incensed by the opposition of the king, Henry demanded repayment of the loan in conformity with his bond. The request was refused, and Henry hoisted the Ghibelline standard on the towers of Rome.[u]

Insurrection against the tyranny of Charles of Anjou.

The tyranny of Charles's government had, in the interim, driven the people of Sicily into insurrection. While the king was engaged in active warfare for the suppression of the Ghibelline party in Central and Northern Italy, the insurgents had mastered nearly the whole of the island, and at the suggestion of Henry of Castile had planted the standard of the heir of the Hohenstauffen. And now all whom the perfidy and cruelty of Charles had driven from their homes resorted in a body to the younger Conrad as their legitimate sovereign. Messages from the distressed Ghibellines of Italy besought him to hasten to save them from the hands of the merciless tyrant at that moment engaged, under favour of the pontiff of Rome, in working their destruction. With this encouragement, and relying, with the credulity of a youth numbering scarcely seventeen years, upon the promises and prospects held out to him by the exiles, he and his equally youthful friend and

Preparations of Conradin and Frederic of Bavaria.

[u] *Raumer*, ubi sup. p. 583.

cousin, prince Frederic of Bavaria, hastened to collect such adventurers as their exhausted finances enabled them to assemble. It is sufficient for our purpose to observe, that, after pledging the last remnants of his fortune to his rapacious German kinsfolk, he found himself at the head of 10,000 volunteers of all sorts; the greater part of whom, however, deserted him before he passed the Alps. In Lombardy he could command only a small body of 3000 knights and men-at-arms. But the Ghibelline party supported him manfully; the disturbances in the South, and the almost total loss of Sicily, compelled Charles of Anjou to abandon his projects of ambition in Central Italy, and to concentrate all his forces for the final struggle with the advancing enemy. With the wisdom of an experienced commander, he declined to fritter away his forces in putting down partial or even a general rebellion in his recently-acquired dominions. Though even his friend Clement IV. showed symptoms of disgust at the intense insolence and inhuman barbarities of his government, he was well aware that impunity might be purchased by success; and he awaited the coming trial with the composure which a compact army and a soldiery equally interested with himself in his success might inspire.

Conradin advances towards Rome.

Meanwhile Conradin the younger had made considerable progress in his advance towards Rome; and pope Clement, whom his engagements to Charles of Anjou had compelled to nail his colours to the mast—perhaps more for the sake of consistency than a sense of duty—issued one of those fulminating manifestoes against the upstart Conradin,[v] so often listened to by the Italians with mortifying indifference. In this instance the anathema had hardly reached the ears of the Romans when Conradin appeared at their gates, and was admitted with the jubilant salutations of the citizens and their popular senator Henry of Castile. Thus en-

Is cursed by the Pope.

[v] See the verbose document ap. *Raynald*, an. 1263, § 4, pp. 234 et seq.

couraged, the unfortunate princes[w] advanced at the head of their numerous but ill-trained bands into the heart of Apulia, where their ruthless enemy awaited them with a compact and well-disciplined force, principally composed of French chivalry. Though hated by his subjects and surrounded by disaffection and revolt, both the tyrant and his friend the Pope had correctly calculated the chances. The battle which decided the fate of the Hohenstauffen dynasty took place on the little river Salto in Apulia; the Ghibelline army sustained a total and irretrievable defeat. A few days afterwards Conradin and his friend Frederic were captured by the partisans of the usurper in an attempt to escape by sea. The Pope made an effort to claim them as his prisoners; but Charles, to whom they had been surrendered by the captors, refused to listen to any claim or intercession, and, on the 29th October 1268, caused the heads of the unfortunate princes to be struck-off in the public square at Naples.

Battle and total defeat of Conradin and Frederic.

Capture and death of Conradin and Frederic.

Thus perished by a murder of unparalleled atrocity the last scion of a dynasty which, for a period of 120 years, had stood foremost among the sovereigns of Europe—a race great in counsel and in action—endowed with a largeness of views which might have reformed the world, but for the irreconcilable discrepancy of the principle of their government with the theocratic scheme of Rome. The intelligent reader of their history will not fail to observe that the theories of the imperial and pontifical powers were so essentially opposed to each other that one or the other must perish. To all appearance *imperialism* had fallen with its patrons; and though the semblance might be fallacious, yet the prin-

Extinction of the house and family of Hohenstauffen.

European prospects.

[w] It is reported that when Clement IV. beheld from the towers of Viterbo the columns of the Ghibelline army passing onwards towards Rome with Conradin and his chivalrous relative Frederic of Bavaria at their head, the spectacle drew from him the exclamation, "These youths, alas! are going like sheep to the slaughter; their hopes will be blown away like smoke before the wind."

ciple of state-supremacy was compelled from this moment to assume a different basis; it was reduced to rely rather on that silent obstruction to the intolerable interferences of a foreign power which is natural to the pride of princes and people, than upon any fixed principle of resistance. During the past ages and for the succeeding two centuries, the strength of the papacy lay in the weak and unsettled state of secular governments; nor could the dogmatic contradiction proclaimed by the fallen dynasty ever be repeated until the several members of the European commonwealth should have recovered from the prostration incident to the insubordination of feudalism, and thereby acquired a strength and consistency, both of principle and action, which should enable them successfully to encounter the strength and coherency of the papal scheme.

How far pope Clement IV. may be charged as an accomplice, &c.

Much trouble has been bestowed upon the task of clearing the memory of pope Clement IV. from the stain which a participation in the odious crime perpetrated by his creature and client Charles of Anjou has entailed upon his memory. No direct participation can indeed be charged; but he who encourages the assassin—he who puts the dagger into his hands, though he may intend to wound and not to slay, stands before the tribunal of divine and human judgment as an accessory before the fact. The slanderous invectives launched by the Pope against the innocent offender, for asserting his natural rights against the cruel usurper patronised by the Holy See—the very act of casting him out of civil and religious communion, set every believer in Rome at liberty to plunge the dagger into his bosom. The enemy of God and man was an outlaw from human rights and sympathies; and he who published the iniquitous sentence can claim little credit for any attempt to avert the extreme consequences of his own act, or for any sentiment of compassion which might incline him to censure the hand by which the crime was consummated. The inherited right of Conradin admitted of no question; nor did it meet with any contradiction but

from the Pope and his detestable client; no other power had an interest in controverting his claim to the crown of Sicily. His dethronement and death was the single work of the court of Rome; and the last legitimate king fell the victim of a long series of plots, and frauds, and treason, hatched and fomented under the special superintendence of four successive pontiffs. The tragical death of Conradin is perhaps the most signal instance in the history of the world of the triumph of wrong over right, of vice and violence over youth and innocence; a triumph, too, achieved by the direct procurement of one who proclaimed himself the representative of the divine justice upon earth. If there be any principle of human law applicable to the chair of Peter, pope Clement IV. must stand convicted as an accomplice in the murder of Conrad the younger of Hohenstauffen and Frederic of Bavaria.[x]

[x] If any event could shake our confidence in the justice of the divine government of the world, it would be the great tragedy of the year 1268. We might feel with *Parnel's* "Hermit,"

"That vice should triumph, virtue vice obey,
This sprung some doubt of Providence's sway."

CHAPTER IV.

PAPAL POLICY IN FRANCE IN THE THIRTEENTH CENTURY.

Period—Moral, intellectual, and religious state of France, &c.—Basis of the alliance of Pope and civil government in France—Opposition—Defects in the Latin system of persecution—Oppression and rebellion in Languedoc, and death of Simon de Montfort—Honorius III. preaches a new crusade—Prince Louis of France at the head of the crusade; his failure—Honorius III. excommunicates Raymond of Toulouse—Inaction of Philip Augustus—Amauri de Montfort resigns his pretensions to the king—Death of Raymond VI. of Toulouse—Amauri de Montfort abandons the contest and cedes all his rights to Louis VIII. of France—Honorius III. removes the scruples of Louis VIII.—The Pope countermands the crusade against the insurgent princes—Tergiversation of Honorius III. and indignation of Louis VIII.—Honorius III. treats with Raymond VII.; terms of the treaty—Accommodation thwarted by the discontented clergy—The Pope discards the treaty of Montpellier—Revival of the crusade against Raymond VII.—The legate Romanus—Raymond adjudged a heretic-convict; publication of the crusade—Conquest of the Albigensian provinces by Louis VIII.—Retreat and death of Louis VIII.; accession of Louis IX. (S. Louis)—Death of Pope Honorius III.—Pacification of Languedoc—Terms of the pacification—Ruinous character of the conditions imposed—Humiliation and penance of Raymond VII.—Domestication of the Inquisition in Languedoc—Earlier organisation of the Inquisition—Council of Toulouse—Progress of the inquisitorial scheme—Effect of the inquisitorial proceedings—Peculations and usurpations of the clergy rebuked by Gregory IX. and Louis of France—Gregory IX. restores the Marquisate of Provence to Raymond VII.—He transfers the Inquisition to the Dominicans—Inhuman cruelty of their proceedings—their expulsion from Toulouse and Narbonne—their restoration—Assassinations—Suspension of the inquisitorial enormities—Death of Pope Gregory IX.—Revival of the persecution — Insurrection — Tendencies of sacerdotal encroachment; advances of the spiritual powers—Frederic II. in opposition—Louis IX. and the holy war—Obstacles to his projected crusade—He intercedes with Innocent IV. on behalf of Frederic II.—Crusade of Louis IX.—State of the kingdom during his absence—Government of Louis IX. in relation to the Church—Retrospect—Ordinances in relation to the limits of civil and ecclesiastical jurisdiction—General government of Louis IX.—His views, how modified by experience—Popular dissatisfaction at the encroachments and corruptions of the clergy—Popular poems and lampoons upon Rome and the clergy—Guillem Figuerra—Bertram Carbonel—Guiot de Provins—Impression of papal and priestly corruptions on the mind of Louis IX.—Petitions of the people and remonstrance of Louis IX. to the Pope—Innocent IV. disregards the remonstrance—Combination of the barons against the papal abuses—Innocent IV. denounces and condemns the combination—Effect of the papal

policy upon the mind of Louis IX.—The *Pragmatic Sanction*—The Pragmatic Sanction inconsistent with the principles of Innocent III.—Proximate causes of the failure of the papal scheme—The Pragmatic Sanction the *Magna Charta* of the Gallican Church—Government and death of Louis IX.

France. Period.

In the preceding chapters the attention of the reader was drawn to the operation of the principles of sacerdotal domination, as they came from the hand of Innocent III., upon the political status of Germany and Italy. We devote this fourth chapter to an equally succinct account of the same influences on the history of France, confining our narration within the period marked by the death of Innocent III. in the year 1216, and that of Louis IX. (S. Louis) in 1270.

Moral, intellectual, and religious state of France during this period.

Within this period the history of France wears a double aspect. On the one hand we find the mass of the people immersed in gloomy ignorance, and open to every impulse impressed upon them by the hosts of monastic propagandists poured out upon them by Rome. The pontifical promises of pardon and plunder found an echo in every breast; and France sent out her myriads to the holy wars of the popes with a zeal which defied every suggestion of reason and humanity—a perversion of moral and religious sentiments which disabled them from comprehending any distinction between the enemies of the cross and those of the Pope of Rome. At the same time, an unavowed identity of purpose, in which both the court of France and that of Rome might render to each other important aid, served to draw them into more intimate connection; while the only sovereign in Europe who had thoroughly fathomed and resolutely exposed the whole scope and intent of the papal scheme was in a great degree shut out from the community of nations by the pestilent maledictions of the Roman pontiffs.[a] Both Philip Augustus and his son Louis VIII. calculated upon the same state of things for the extension of their direct authority, and the enlargement of their territorial possessions, as that upon which

Basis of the alliance of Pope and civil government in France.

[a] Conf. chap. ii. pp. 43, 70, and 76 of this vol.

the popes supported themselves. The conscientious Louis IX.—though perhaps upon somewhat different impulses—devoutly adopted the policy of his father and grandfather; and France to all appearance was rapidly qualifying herself to become the proper home of the papacy—the peculiar ground on which the great Latin sacerdotium could take its stand with the least danger to its political and religious interests—the steady fulcrum for that leverage to which the priesthood trusted for the means of elevating itself and its chief to a proper monarchical supremacy in Christendom.

Opposition.

Yet while the obsequiousness of the court and the fervid disposition of the people held out these brilliant prospects to the court of Rome and her subject priesthood, there was a strong undercurrent setting-in in an opposite direction, which contributed greatly to disappoint the expectations of the churchmen. Within the preceding century a feeble and divided government had studied rather to elude than to defy the despotic commands of the holy see. But during the reign of Philip Augustus the authority of the crown had made important advances upon the exclusive privileges of the turbulent aristocracy. Normandy and by far the greater part of the possessions of the Plantagenets in France had been reannexed to the crown, and those feuds and civil disturbances, which had hitherto afforded golden opportunities to the court of Rome, were fast disappearing under the increasing pressure of the central power. The propensity of the Church to filch a bit here and a bit there could only be indulged in a divided and dismembered body-politic: a strong state implied a weak church; it imposed the necessity of compromise; a procedure in its very nature repugnant to the principle of the theocracy. But the course of events was not to be controlled, and silently, but effectively, the system of give-and-take was substituted for that unconditional and uncompensated service hitherto claimed by the pontiffs against the princes and rulers of the outer world.[b]

[b] Conf. *Cath. Pet.* B. xii. c. 4, pp. 97-100.

Defects in the Latin system of persecution.

The Protestant communities had, it is true, been broken up by the ineffable cruelty of their persecutors and the military talents of Simon de Montfort. But though scattered abroad and incapable of combined resistance, the force of conviction had not yet been smothered in blood or extinguished by fear. The mere power of terrorism had been found ineffectual to drive back the myriads of dissenters into the ensanguined pale of the Church. The persecution had hitherto been carried on without method by the simple agency of the brutal passions of an ignorant and fanatical populace. The defect in the process had been comprehended, and if his life had been prolonged, would doubtless have been remedied by the cold-blooded sagacity of Dominic.[c] But for the present the political struggles arising immediately out of the operations of Rome for the suppression of all resistance to her religious ascendency, and her encroachments upon the property and possessions of her neighbours, suspended the execution of the ingenious devices already teeming in the brains of the devout disciples of the great apostle of persecution.

Oppression and rebellion in Languedoc —Death of Simon de Montfort.

In the course of the years 1216 and 1217, the crushing severities of Simon de Montfort and his predatory hordes had become intolerable. From the date of the great council of the Lateran (1215), Raymond VI. and his allies, the counts of Comminges and Foix, had lived in exile. But the universal detestation of the yoke imposed upon them by their new masters at length opened a prospect of restoration to the expatriated princes. In the month of September 1217, the citizens of Toulouse raised the standard of revolt, expelled the garrison of De Montfort, and received count Raymond VI. and his gallant son with open arms. But the active soldier who had fattened upon his spoils was at hand with a force which nothing but the desperate valour inspired by despair could have enabled them to

[c] Conf. ch. i. pp. 19, 20 of this vol.

resist. In the first year of the siege (1217), the assaults of Simon were successfully repelled; and in the following campaign the chief himself was slain by an accidental shot from the walls.[d] Discouraged by the death of the general, Amauri de Montfort, son and successor to the pretensions of Simon, withdrew from Toulouse. A general insurrection of the cities of Languedoc and Provence bore testimony to the intense hatred of the people of those provinces to the yoke of the De Montforts; and the exiled princes resumed possession of almost every inch of the forfeitures adjudicated against them by the council of the Lateran.[e]

Honorius III. preaches a new crusade.

While this internecine war was still raging in the county and diocese of Toulouse, Pope Honorius III. threatened all the parties, either directly or indirectly concerned in resistance to the champion of the Church, with temporal and eternal ruin. Philip Augustus of France was commanded instantly to send every man and every horse at his disposal to the support of the holy war. A new crusade was preached throughout the kingdom, and every indulgence conferred upon the devout defenders of the Holy Land was vouchsafed to the pious hand that should stain itself with the blood of a heretic or of a defender of heretics.[f] At the same time liberal subsidies were granted to the court of France out of the revenues of the churches and spiritual corporations; and in consideration of these advances, prince Louis was permitted by his cautious sire to take the field against Raymond and his allies with such forces as he could collect on the spur of the moment. In the earlier crusades against the dissenters the fanatical zeal of the multitudes poured out upon the devoted provinces had made up for the absence of discipline. At this juncture, however, that zeal had declined from the fever-heat of the earlier

Prince Louis of France at the head of the crusade; his failure.

[d] While directing the action of his battering machine against the walls of Toulouse, he was killed by a heavy stone shot from a mangonel from the ramparts. *Hist. de Langued.* tom. iii. p. 307.

[e] *Ibid.*

[f] *Ibid.* pp. 302, 303.

period. The invaded region was now comparatively unproductive of that plunder which had so powerfully stimulated the religious ardour of the first invaders. A forty-day service in the camp of Louis sufficed to earn all the spiritual benefits of the meritorious enterprise; and when that term had expired, the prince found himself deserted by his tumultuary levies, and compelled to retrace his steps northward.[g] The counties of Béziers, Carcassonne, and Foix, seized the opportunity to throw off the yoke of their oppressors; and by their secession left scarcely a foot of ground to Amauri de Montfort to sustain his own pretensions or those of his pontifical patron.

Honorius III. excommunicates Raymond of Toulouse.

To the great mortification of Rome and the mendicant propagandists the reinstatement of Raymond and his allies was followed by a cessation of the inquisitorial proceedings against the remaining Protestants of the province. This forbearance was, without further proof, imputed as an inexpiable crime to the successful princes; and Raymond, as the principal offender, was again excommunicated by pope Honorius III. The markgraviate of Provence and certain districts on the left or Germanic bank of the Rhone, which had been reserved to the count by the council of 1215, were declared to be forfeited; sentence of outlawry was pronounced against the insurgent cities, and the property of the inhabitants was given up to indiscriminate pillage.[h] Such at least was the intent of the anathema; and assuredly it depended not upon the will of the Pope or his legate Conrad that the decree was not followed by unsparing execution. But Amauri de Montfort possessed neither the talents of his father nor the resources to which the latter was indebted for his brilliant successes. The passive attitude of Philip Augustus indicated a degree of indifference which could obviously only be

Inaction of Philip Augustus—Amauri de Montfort resigns his pretensions to the king.

[g] On the 12th Aug. 1219.

[h] See the document apud *Vaissette*, Hist. de Langued. tom. iii. p. 320. The proscribed districts comprised the cities of the great dioceses of Narbonne, Béziers, and Toulouse.

overcome by a costly compromise; and Honorius consented to the proposal of Amauri himself, to cede unconditionally the entire estate adjudged to his father by the council of the Lateran (1215), to the king of France. The latter was accordingly exhorted by the Pope to take immediate possession of the provinces in question, and to hold them to himself and the crown of France in perpetuity.[i] Tempting as this proposal might appear, either the irresolution of advanced age, or a secret disgust at the undisguised pretensions of the court of Rome to change dynasties, and to dispose of the territory of the kingdom, disinclined the king, during the remaining year of his reign, from taking advantage of the proposal.

Death of Raymond VI. of Toulouse.

Meanwhile the career of Raymond VI. had come to a close, leaving nothing behind it to persecute, but a memory perhaps equally odious to Rome with that of his contemporary the emperor Frederic II. Prayers, entreaties, remonstrances were lavished in vain upon the inexorable priesthood and its chief to procure Christian burial for his remains.[j] The standing order of the Church, that *heresy included in itself every imaginable crime*, justified the frantic fanatics of the age[k] in heaping upon his memory every foul aspersion that their own prurient imaginations could suggest. His death was soon followed by that of king Philip Augustus.[l]

Amauri de Montfort abandons the contest and cedes all his rights to Louis VIII. of France.

But in the course of the twelvemonth Raymond VII., the son and successor of the late count, had divested Amauri de Montfort of the last fragment of his father's usurpations; in the month of January 1224 he withdrew from the contest, and every chance of success against

[i] See the document ap. *Raynald*, an. 1222, § 44 et sqq. pp. 509, 510.

[j] The body was deposited in a wooden coffin in unconsecrated ground near the cemetery of the church of S. John at Toulouse. It is recorded to have been seen there in the 14th century; it had, however, fallen to pieces before the 16th century and the remains were lost, except the skull, which was preserved for a long time afterwards by the Knights Hospitallers of Toulouse. *Hist. de Langued.* tom. iii. p. 322, and note 37, p. 593.

[k] First and foremost among them, the Cistercian friar, Peter de Vaux-Cernay.

[l] The king died on the 14th July 1223.

the branded enemy of the Pope now depended upon the decision of the new king of France, Louis VIII. With the cordial concurrence of Honorius, Amauri reiterated the cession proposed to the deceased sovereign; and by way of further inducement, the pontiff added the promise of large subsidies, a new crusade, with boundless indulgences to all who should embrace the sacred "cause of God and His Church," and pressing solicitations to the court and nobility of the realm to take arms in defence of religion against the patrons of heresy and rebellion.

Honorius III. removes the scruples of Louis VIII.

The approaching expiration of the existing five years' truce with England was now the only impediment to the opening of the campaign against the latter and their reputed chiefs. Pope Honorius, however, removed this last scruple from the mind of Louis VIII., by an assurance that nothing on his part should be wanting at the court of Henry III. to procure a prolongation of the armistice; and an emphatic exhortation to seize the inestimable opportunity, at a single blow to take the kingdom of heaven and the county of Toulouse by storm. Satisfied by these comforting assurances, and the promised funds, Louis finally accepted the abdication of Amauri de Montfort, and lost no time in making active preparations for the approaching campaign. The difficulties in which this transaction might thereafter involve him and his successors, on the one hand, with their own subjects, and on the other with the holy see, were wholly absent from the mind of the king and his advisers,[m] and he flattered himself with the easy acqui-

[m] Raymond VII., as a peer of France, was, as in the case of King John of England, at least entitled to a trial by the court of peers. Without such a preliminary the abdication of Amauri, who had himself no *legal* title, was obviously void, and the title of Louis, under the cession, must rest ultimately upon a dangerous admission of the right of the see of Rome to dispose of the territories of independent princes upon any pretence it might please the Pope to set up. Besides this consideration, the powerful aristocracy of France were not likely to witness with indifference either the arbitrary disposal of the territory of the kingdom, or the rapid increase of the power of the crown, which such cessions as that of Amauri might lead to, in addition to the great advances already made upon their exorbitant privileges in the preceding reign.

sition of an extension of the domains of the crown, which would not only put him in immediate possession of the richest province of the kingdom, but open to him a much-coveted seaboard on the Mediterranean.

But at the moment when the path of conquest seemed to lie clearly before him, the timid and capricious policy of the Pope threw unexpected difficulties in his way. Count Raymond VII., alarmed by the rumour of the cession and the menaces of the Pope, threw himself unconditionally upon the mercy of the holy see. Honorius III. could not be blind to the advantage of seeing this important territory in the hands of an abject dependent rather than in those of a powerful monarch, who was little likely to share his conquest with a foreigner. The hesitation of the Pope was confirmed by the just remonstrances of the emperor Frederic II. against the unprincipled diversion of the crusade from the expedition to the Holy Land, for which, under the pressing command of Rome, he was then busily engaged in making preparations. Under these more recent impressions the Pope countermanded the crusade against the pretended heretics of Languedoc, until the important duty of relieving the depressed Christians of Palestine should have been accomplished: but lest Raymond should, when relieved from the apprehension of an immediate attack, prove less tractable than he wished, he admonished Louis by no means to discontinue his warlike operations, until the count and his allies should be compelled to accept any terms that might be dictated by pope or king, jointly or severally.[n] Honorius now professed to have discovered that Raymond was a "good Catholic;" and that, though a mistaken man, he ought to be dealt with by greater forbearance than would have been otherwise expedient. Louis, however, was at no loss to perceive the drift of this strange tergiversation; and without delay signified to

The Pope countermands the crusade against the insurgent princes.

Tergiversation of Honorius III.

Indignation of Louis VIII.

[n] *Hist. de Lang.* tom. iii. p. 340.

the papal legate at his court, that he would have nothing more to do with the Albigensian war, and that the Pope might make what terms he pleased with his new friends, provided he did not infringe upon his rights as king and lord paramount of the province.

Honorius III. treats with Raymond VII. —Terms.

But neither king nor pope had laid aside their dishonest and selfish purpose. Honorius hastened to take advantage of the terrors of count Raymond and his friends. The legate found no difficulty in concluding a preliminary treaty with the count. The latter pledged himself unconditionally to the merciless extirpation of the Protestants, the restitution of all the property in land enjoyed by the Church under any previous gift, title, or conveyance;[o] the payment of 20,000 marks of silver by way of indemnity to the clergy for damages sustained during the war; and a solemn oath to give implicit obedience to any commands of the Pope regulating the future conduct of his government; with an unmeaning saving-clause in favour of the sovereign rights of the king of France, and those of the Roman emperor in regard to the fiefs held of the latter.[p] Roger Bernard count of Foix, and Trencaval viscount of Béziers, were included in the convention; and all three returned home in the firm persuasion that they had made their peace with Rome.

Accommodation thwarted by the discontented clergy.

But no stipulations, however rigorous, could satisfy the clergy of the safety of their ill-gotten gains, or the restitution of those which had already passed out of their hands. Their complaints to the Pope were loud and clamorous; and Honorius was induced to admonish Raymond "to desist from his persecution of the Church," or at once to abandon all hopes of his restoration to communion. The discontented clergy, moreover, plied

[o] This is the genuine meaning of the stipulation. Raymond had resumed many of the profuse grants of domain lands by Simon and Amauri de Montfort. These resumptions were regarded as robberies by the churchmen, who had seized every opportunity of selling their support to, or extorting gifts and grants from the weakness or the fears of the lay lords. Of such opportunities the war afforded a vast list.

[p] *Hist. de Lang.* tom. iii. pp. 341, 342. This provisional compact was entered into at a council held by the legate Conrad at Montpellier on the 23d of August 1224.

the credulous ears of Honorius with assurances that the count was as much as ever a heretic at heart, as witness his faithless invasions of church estate; and that the amends he might have occasionally made were the results of dastard fear, yielded only while the armies of France were hovering on his frontiers, and not from any sense of duty or attachment to the Church. These calumnies, supported by the secret suggestions of the agents of the king of France at the papal court, determined the Pope to revert to his original plan of operations; the treaty of Montpellier was cast to the winds, and Louis received urgent entreaties to hasten the conclusion of peace or truce with Henry III. of England, that he might have his hands free for the prosecution of the holy war in Languedoc.[q] The further conduct of the negotiation was intrusted to the cardinal Romanus of S. Angelo, esteemed the most astute diplomatist of the sacred college. By his influence the projected expedition against the "Albigensian heretic"—as it now pleased him to designate the "good Christian" of the previous year—was brought before two successive "cours plénières" of the realm, the latter of which was held at Bourges on the 30th of November 1225, and the terms of coöperation in the "holy war" were finally settled between the king and the legate.[r] Raymond, however, protested in person against this unprecedented breach of faith: he urged the treaty of pacification, signed and sealed by the papal legate under the fullest powers from the Pope; and when asked by his rival Amauri de Montfort, whether he would submit his cause to the judgment of the court of peers, he replied, with commendable cau-

The Pope discards the treaty of Montpellier.

Revival of the crusade against Raymond VII.

The legate Romanus.

[q] See the verifying documents, ap. *Raynald.* an. 1225, § 28-35, p. 551 to 555.

[r] The delay may probably be accounted for by the barefaced attempt of the cardinal, under pretence of exonerating the French clergy from the burthen of "provisions," and other encroachments of the court of Rome upon the churches of France, to obtain a permanent grant to the Pope of two stalls in every cathedral chapter, and two from each collegiate church or abbey. The proposal, however, was rejected by the French bishops with becoming indignation. See *Mansi's* note to *Raynald*, an. 1225, p. 555. *Matt. Paris*, p. 377.

tion, that as soon as the king should admit him to do homage in the character of peer, he should know how to shape his conduct. In all other matters he declared himself ready to perform to the letter all his engagements to the king and the Church, and challenged the legate to visit his domains in person, and if he found there an individual, a city or a town, proved to have swerved from the faith, he engaged faithfully to execute the sentences of the Church, and compel the people to make due canonical satisfaction. "All these offers," says the eloquent historian of the age, "were rejected by the legate with contempt; nor could this *Catholic prince* find favour, except he should abjure for himself and his heirs all right or title to the inheritance of his ancestors."[s]

Raymond adjudged a heretic—publication of the crusade.

The proceedings against Raymond greatly shocked the simple citizens of Bourges. They entertained a strong opinion of the catholicity of the count. His profession of faith, at the council of Montpellier, had satisfied the moderate party in France of the bitter injustice about to be perpetrated by the hostile prelacy. Yet he and his allies were solemnly anathematised by the council as *heretics-convict*, and their domains adjudged to the king of France: a crusade was published throughout the kingdom with all the usual privileges; and full powers were given to the preachers to absolve from their oaths all persons who had sworn to serve against the infidels in the Holy Land, on the condition of their turning their swords against the condemned heretics of Languedoc and Toulouse. A subsidy of a tenth of all ecclesiastical revenues was granted to the king for the expenses of the war, and all private feuds were suspended during its continuance upon pain of the extreme censures of the Church.[t]

As soon as the count was apprised of the intended treachery of the court of Rome, he had entered into a treaty, offensive and defensive, with Henry III. of

[s] *M. Paris*, p. 379. *Matt. Paris*, ubi sup.
[t] *Hist. de Lang.* ubi sup. p. 350, 351.

England. But, with the ordinary levity of that weak and dishonest prince, he permitted himself to be diverted from his purpose by the menaces of the Pope and the vain predictions of an astrologer ;[u] and count Raymond was left single-handed to defend himself against numbers he could entertain no hope of encountering in the field. Relying, however, upon the loyalty of his cities,[v] he determined to await the effects of the summer heats upon the northern constitution, which on more than one occasion had already stood his friend. But the constancy of his subjects was not proof against the terror inspired by an army of fifty thousand men-at-arms and a countless host of irregular infantry. The city of Nismes opened its gates to the king, and, with its entire diocese, was formally annexed to the crown of France. Avignon, though a dependency of the empire, was besieged, upon the pretence that, as abettors of heresy, the citizens could claim no exemption from the general doom,[w] and they were compelled to admit a French garrison. Within a few weeks the whole of Languedoc, to within four leagues of Toulouse, submitted to the king ; all the vassals of the count and his ally, viscount Trencaval of Béziers, attorned to the crown of France ; the count of Comminges succeeded in making tolerable terms with the king ; but Bernard of Foix was not so successful, and found himself thrown back upon his old ally for the last chance of safety for his person and domain. The citizens of Toulouse and Agen, with one or two other less considerable towns, remained faithful to Raymond ; but with these exceptions, the whole of the so-called Albigensian provinces,

Conquest of the Albigensian province by Louis VIII.

[u] The astrologer had predicted the total failure of the crusade of Louis VIII. against the Albigenses ; and that he would either not return alive, or, at best, with defeat and disgrace. *M. Paris*, an. 1226, p. 379.

[v] The citizens of Agen had sworn to him, that "if pope or prelate should dare to absolve them from their engagements to their lord, they would disregard the pretended release, and hold themselves as firmly bound as ever." *Hist. de Langued.* tom. iii. p. 354. This is the first instance we can call to mind of a direct popular contradiction to the right of the Church to absolve subjects from their oaths of allegiance.

[w] Neither the municipal nor the public law of nations was allowed to bind the Church in the pursuit of heretics.

to the coast of the Mediterranean, were finally annexed to the crown of France.

Retreat and death of Louis VIII. Accession of Louis IX. (S. Louis).

It is probable that the imbecile Henry of England had forfeited the last opportunity his long reign afforded of recovering his continental dominions. In point of fact, the prognostications of the court astrologer were partially verified. The invading army had dwindled almost to a remnant under the influence of heat and disease during the campaign. The mode of defence adopted by Raymond had exhausted both the strength and the exchequer of the king. The infirm health of Louis was not proof against the fatigues of the war, and he retired into France only to die; leaving the kingdom to his son, a boy of scarcely twelve years, under the guardianship of his mother, Blanche of Castile.[x] The death of Pope Honorius occurred in the same year. He was, as we have seen, succeeded by the fiery Gregory IX., who at his accession found himself in the military occupation of the imperial markgraviate of Provence; but the thorough draining of the exchequer, and the reluctance of clergy and laity of France to furnish further supplies of money or men, added to the bitter discontents created by the tyrannical dealings of the legate and bishops with the conquered districts, caused the war in Languedoc to languish for a period of nearly two years, and thus afforded a breathing-time to the exhausted defenders of the province.[y] At the same point of time the straits to which the impetuous pontiff on the Roman throne was reduced by the military preponderance of his enemy Frederic II. and the continued disaffection of his own subjects, but, more than all, the lavish expenditure occasioned by the late crusade, inclined him to take steps for the pacification of the south of France; and, to that end, his legate Romanus was instructed to negotiate a reconciliation

Death of pope Honorius III.

Pacification of Languedoc.

[x] Louis VIII. died on the 18th of November 1226. Philip Augustus predicted on his deathbed that as soon as the breath was out of his body, the churchmen would persuade his son Louis to carry the war into the Albigensian provinces, and that he would perish in the attempt. *Hist. de Langued.* tom. iii. p. 363.

[y] *M. Paris*, an. 1228.

between the court on the one part, and count Raymond of Toulouse on the other. The latter was the more easily brought to terms in consequence of the terrible ravages committed upon his remaining territories by the French general Humbert de Beaujeu,[z] and the state of penury and destitution to which his loyal subjects were reduced by the unspeakable calamities of the cruel warfare of the age. The gallant count was in fact reduced to throw himself defenceless at the feet of his adversaries, and compelled to accept any terms they might think fit to impose.

Terms of pacification.

Accordingly, the terms of capitulation were soon settled; the count engaged to pursue all heretics or other enemies of the Church within any lands he might be permitted to retain to utter extermination; to make restoration and compensation to the bishops, clergy, abbeys, and religious houses, for all damages sustained during the war, and to that end to pay, in the shape of subsidies and indemnities, the (then) enormous sum of 40,000 marks of silver; to surrender the citadel of Toulouse to the king, and to raze the walls of the city; to cede to France all his territories on the right bank of the Rhone, and *to the Pope all he might possess in the kingdom of Arles;* lastly, to surrender his infant daughter and only child Johanna to be educated by the queen-mother of France, and to consent to her marriage to a French prince as soon as she should arrive at a proper age, with an absolute reversion of all the domain that Raymond was allowed to retain to the issue of the marriage, to the exclusion of any male heirs he might leave behind him by any other wife. On these terms the count was permitted to enjoy a life-interest in about one-third of his ancient patrimony; leaving the court of France in possession of the fairest and most productive portion of his late domains.

By these conditions the Pope and bishops had amply provided for the pecuniary destitution of their victim.[a]

[z] By all accounts a worthy successor of the inhuman Simon de Montfort.

[a] The utter exhaustion of his remaining territories made it improbable that

The ruinous character of the conditions imposed.

But to this was added, on their part, the further stipulation that between the months of August 1229 and 1230 he should proceed on a pilgrimage to the Holy Land and serve for a term of five years against the infidels in Syria, without provision for the government of his domain during his absence. By a formal cession Raymond made over all his possessions on the *left bank of the Rhone, from Avignon to the shores of the Mediterranean, to the Pope;* he engaged to break faith with his late friend and vassal the count of Foix, and to coöperate with his enemies for his destruction. A stronger illustration of the terrible yoke imposed on the Christian world by the principles, religious and moral, impressed upon it by Innocent III. cannot be produced than that which the treaty of Paris of the 12th of April 1229 offers to our contemplation.[b] The spirit of the unfortunate prince was reduced by fatigue of mind and body to so pitiable a state of debility, that he voluntarily submitted to the like disgraceful penance with that imposed on his father Raymond VI. in the year 1209.[c] Thus, under the influence of those religious fears which the Latin priesthood so well knew how to instil and profit by, he walked barefoot and clad in a penitential garb to the porch of the church of Our Lady at Paris. Here he awaited the coming of the legate Romanus; and was led thence with a rope round his neck, receiving upon his bare shoulders the discipline of the lash from the hands of the latter till he reached the foot of the high altar, where "in consideration of his humility and devotion" he received pontifical absolution. After this degrading ceremony, king Louis IX. condescended to accept his homage for the remnant of his late domains.[d]

Humiliation and penance of Raymond VII.

he would be able to raise the fines imposed upon him within any assignable period; and thus defalcations were in a measure provided for, which might afford a pretext for his final ruin.

[b] Conf. c. i. p. 2 et sqq. of this vol.

[c] Conf. *Cath. Pet.* Book xiii. c. vii. p. 538.

[d] *Hist. de Langued.* tom. iii. pp. 378, 380. The penance, it appears, was performed on the day on which the capitulation was executed. Raymond remained passively in prison at Paris till his persecutors were satisfied of the material fulfilment of some of the most important conditions of the treaty.

The reunion of the Albigensian provinces to the crown, and the occupation of the domains of count Raymond VII. by the fanatics who had brought the crusade into his land, was followed by unspeakable calamities to those provinces. But that which threw all others into the shade was the permanent domestication of the Inquisition in that unhappy region. This was the work of the great council of barons and clergy assembled at Toulouse in the month of November 1229. The council was directed and presided over by the archbishops of Narbonne, Bordeaux, and Auch, and their respective suffragans. It was resolved at this synod that the bishops should appoint a priest and two or three laymen in each parish of their respective dioceses to make search upon oath for all heretics, their aiders, abettors, or harbourers within the parish; and, for that purpose, to make domiciliary visits in all houses suspected of entertaining or sheltering a heretic, and diligently to search them "from the cellars beneath to the granaries under the roof;" to examine all hollows, subterraneous caverns, and hiding-places where any heretic might chance to lurk; and, when found, to hold him in safe custody, and without delay to denounce him to the prelate of the diocese as well as to the lord of the town or place for condign punishment; the laity were forbidden, upon pain of falling under suspicion of heresy, to possess copies of the Scriptures either in the vernacular, or in the Latin tongue; the clergy and the monks were exempted from all civil burthens, such as talliages, personal or highway tolls and customs upon consumable articles; a variety of fines and punishments for disturbances of the public peace were enacted, and the whole police of the province was taken into the hands of the ecclesiastical authorities. The meeting indeed, though attended by the powerless count and some of his vassals, possessed none of the qualities of a civil legislature. The laity present were the passive spectators of an ecclesiastical body taking upon itself to make laws for the whole community, to

Domestication of the Inquisition in Languedoc.

Earlier organisation of the Inquisition—Council of Toulouse.

impose uncompensated duties upon the laity, to enact fines, forfeitures, disabilities, and punishments for its own special purposes, and for its own exclusive benefit.[e]

Progress of the inquisitorial scheme.

But the zealous and grateful court of France had not awaited the slow march of sacerdotal deliberation to signify its ardent sympathy with the priesthood in the labour of persecution. As early as the month of April in this year the "good work" was resumed in a severer form; a price was put upon the head of every heretic who should fall under inquisitorial suspicion.[f] The institution was thus launched with every prospect of a wider dissemination and jurisdiction. The council and the royal ordinance, it is true, contained but an elementary sketch of the more perfect organisation at which, less than fifty years afterwards, it attained under the fostering care of the Dominicans;[g] but enough was done to make it manifest that no sentiment of pity or human justice would be allowed to interfere with the efficiency of the scheme, and that none, even the minutest, divergence from the doctrine and practice of Rome should escape her vigilance. The machinery of religious terrorism was in full action, and the only problem still unsolved was how far the civil powers of Christendom could be subdued into active coöperation for the final reduction of the nations of the world under one inexorable sacerdotium. The experiment was in progress, and the establishment of the Inquisition was the longest stride ever made by the court of Rome since the days of Gregory VII.

The new institution thus remodelled brought aggra-

[e] No notice is taken in the record of the council of any other authority but that of its clerical chiefs. The passive assent of the count and his barons cannot, under his depressed condition, alter the nature of the proceeding. The reader may satisfy himself of the justice of the above description by the perusal of the record of the *Concilium Tolosanum*, ap. *Hard.* Concil. tom. vii. p. 178. The laity were allowed to possess the Breviary, the Psalter, and the Hours of the V. Mary, but these only in the *Latin tongue*.

[f] See the "Statutum Domini Regis Ludov. pro libertate ecclesiæ," ap. *Hard.* Concil. ubi sup. p. 171-174.

[g] See the two remarkable tracts entitled "De modo procedendi contra hæreticos" and "De hæresi pauperum de Lugduno," both printed at the end of vol. v. of *Martene's* Thesaur. Anecdot. pp. 1795 and 1797 respectively.

vated calamities upon the miserable population. No state or condition of society was safe against the secret whisperings of informers and private enemies. Many of these delators and spies perished by the hands of their intended victims; and the arts of the inquisitor were often encountered by the dagger of the assassin. On his return to his domains count Raymond found his revenues embezzled by a crowd of episcopal and monastic marauders. Under the patronage of the De Montforts, the funds from which the exorbitant fines and subsidies imposed upon him by the pacification of Paris were to be levied had been to a great extent embezzled by the bishops and conventual bodies. The indispensable resumption of these grants of the chief of the crusade produced a plentiful crop of maledictions and excommunications from the incensed usurpers. Gregory IX., however, was not at this moment prepared to listen to their clamours, or to disturb the recent pacification for their benefit. His legate in the province was instructed to check the encroachments of the bishops and clergy, and to recommend to them a more gentle treatment of their *recent convert*.[h] It appeared, in fact, that since the reconciliation of Paris a more gentle spirit had grown up in the court of France. The sense of right and wrong in the mind of Louis IX., though often obscured by bigotry, was never wholly absent, and the cry for justice of his afflicted vassal was poured into a compliant ear. The clergy of the diocese of Toulouse were peremptorily ordered to relax their talons, to restore the stolen property, and to abstain from the like practices in future;[i] and the Pope himself was strongly recommended no

Effect of the inquisitorial proceedings.

Peculations and usurpations of the clergy rebuked by Greg. IX. and Louis of France.

[h] Or, in the cant of the Roman chancery, "to nourish his new-born faith by a benignant treatment, such as was suitable to the growth of the young and tender plant; and rather to feed him with the milk of the word than with *strong food*, &c." *Hist. de Langued.* tom. iii. p. 392. What that "strong food" might turn out, we have little difficulty in conjecturing.

[i] The king or the regent were perhaps the more ready to listen to the complaints of Raymond, inasmuch as the royal bailiffs in the districts newly annexed to the crown had complained of similar obstructions on the part of the clergy to the resumption of alienated crown-lands, and the forfeitures of the heretics.

longer to withhold from Raymond his marquisate of Provence, adjudged to him by the council of 1215, and to which he possessed an unquestionable title. Gregory lived in daily apprehension of the pressure both of the court of France and of the emperor Frederic on behalf of his vassal; and little doubt can be entertained that he believed his best chance of retaining possession of his conquest to depend rather upon subterfuges and excuses than upon that uncompromising rigour with which he generally encountered difficulty or contradiction. But his treasury of palterings and evasions was at length exhausted, and in the year 1234 the marquisate of Provence was surrendered to count Raymond.

Gregory IX. restores the marquisate of Provence to Raymond VII.

It appears from several circumstances that at this period no very cordial feeling subsisted between the court of Rome and the bishops of Languedoc. The Pope was dissatisfied with their management of the Inquisition—a function claimed by the bishops as within their proper canonical jurisdiction; and in the year 1233 he issued a brief or bull transferring all the inquisitorial duties to the Dominicans, and extending their powers over the French kingdom generally.[j] Under their administration the tribunal assumed a new phase. A holocaust of two hundred victims at once was solemnised at the little town of Moissac alone: the remains of deceased heretics were exhumed and committed to the flames: the hearts of the people were paralysed by terror, or driven to desperation by constant apprehension. In view of this state of things count Raymond took heart; he protested to the king that he was utterly unable to keep the peace of the country in the face of these horrors. The citizens of Toulouse and Narbonne had in fact taken the remedy into their own hands. In both cities the Dominicans were ignominiously ejected, and their registers destroyed. The Inquisition retaliated by

He transfers the Inquisition to the Dominicans.

Inhuman cruelty of their proceedings.

Their expulsion from

[j] The bull was dated 21st of Aug. 1233.

threats and curses against Raymond and his agents, as abettors of heresy. So gross an attack upon these favourites of Rome drew from pope Gregory a denunciation of more than ordinary ferocity. Raymond, to whom every misdemeanour of his distressed subjects was systematically imputed, was commanded without delay to set forward upon his covenanted crusade; and to transfer the administration of his domain during his absence to the king of France. Toulouse and Narbonne.

The inquisitors were indeed restored to their convents in Toulouse; but at the earnest intercession of Louis IX. a twelvemonth's reprieve was granted to count Raymond. The inquisitors, however, refused to revoke their maledictions, and proceeded on their bloody business with increased violence and cruelty. Burnings, imprisonments, personal and public infamy, degrading punishments of various kinds, were inflicted on all whom it pleased them to mark as heretics or abettors of heresy. The barefaced robberies committed by delators and informers under colour of their office were retaliated by frequent assassinations and other acts of sullen and secret revenge; for all of which the count and his government were held responsible. The state of the province at length reached the ears of Louis IX., and towards the end of February 1237 an order was issued to the inquisitors to suspend their pernicious proceedings. For some cause not very clearly recorded, but probably due to the universal disgust and the momentary victory of the sentiments of justice and humanity over rooted superstition, the order was obeyed; and for a period of almost four years we read of no inhumanities of the like character. The court of France had for some time past showed symptoms of impatience under the incessant interferences of the Pope in the internal affairs of the kingdom. Gregory had thought it expedient to absolve Raymond, with a view to deprive his subjects of the ever-ready excuses for disobedience which his excommunication afforded, and to throw upon him alone the Their restoration. Assassinations. Suspension of inquisitorial enormities.

whole onus of suppressing the disorders he complained of. The death of Gregory IX. in 1241, and the long interregnum between that event and the accession of Innocent IV.,[k] prolonged the respite enjoyed by the wretched inhabitants of the districts subject to the Inquisition. But the election of the new pontiff was the signal for the revival of the persecution, and the renewal of the disorders which accompanied the late anti-social proceedings.

Death of pope Gregory IX.

Raymond and his subjects beheld these enormities with undisguised aversion. The popular irritation vented itself in local insurrections, during one of which five inquisitors with their familiars were put to death.[l] With the active assistance of the count the citizens of Narbonne had expelled their archbishop—a Dominican monk—the vigilant and devoted agent of their tormentors; and they and their ally were excommunicated by the vindictive prelate.[m]

Revival of the persecution.

Simultaneously with these events in the south, the rich and industrious cities of Brabant and Flanders were suffering under similar depredations and cruelties.[n] Here as in Languedoc and Northern Italy, the civil laws and customs of the people were disregarded; a different administration of justice, a system of taxation hitherto unknown was introduced; the powers of domestic police were openly assumed by an organised gang of sacerdotal banditti, and the moment for the undisguised appropriation of every function of social police, if not of civil government, seemed rapidly approaching. The emperor Frederic II., alone among European sovereigns, had the sagacity to apprehend in its full extent, and the courage

Insurrections.

Tendency of sacerdotal encroachment.

Advance of spiritual power.

Frederic II. in opposition.

[k] Reckoning in the sixteen days of Celestine IV. Conf. p. 73 of chap. ii. in this vol.

[l] At Avignonat, a town about twenty-three miles S.E. of Toulouse. *Hist. de Langued.* tom. iii. p. 430.

[m] See the remarkable vindication of their motives and conduct in the expulsion of their prelate by the citizens of Narbonne inserted by *Sismondi, Hist. de France*, tom. vii. p. 174, from the *Hist. de la Ville de Nismes*, tom. i. liv. iii. p. 307, and proofs p. 73. This document discloses all the enormities of the inquisitorial process. It reveals atrocities which it must have baffled the ingenuity of laymen to invent.

[n] *Matt. Paris*, p. 293.

to withstand the daring inroads of priestly ambition. He believed at one time that if he could succeed in assembling a congress of sovereigns beyond the reach of papal and monastic intrigue, he might be in a position to enlighten them upon their real interests, and to expose the obvious design of their adversary. But the steps he took for that purpose were promptly met and defeated by the superior diplomacy of Rome and her monastic helpers. Pope Innocent IV. had by this time involved the emperor in difficulties which diverted his attention from every duty but that of defending his crown, his life, and his honour.[o]

Louis IX. and the holy war.

The pious king Louis IX. was impressed with the conviction that the deliverance of the Holy Land from the hand of the enemies of his faith was the most acceptable sacrifice to Heaven he could bring, and the surest pledge of his own salvation. Undeterred by the total defeat of the crusade of 1239, undertaken by Theobald king of Navarre and Richard earl of Cornwall, he devoted several succeeding years to preparations for his projected enterprise against the "enemies of God and man." But various difficulties delayed the expedition till the year 1248. He had encountered great though inert opposition from his own reluctant barons, and the general decline of the public enthusiasm springing from repeated disappointments and failures. But the obstacle of all others the most fatal to his prospects arose out of the inveterate animosities of pope Innocent IV. and the emperor Frederic II. Louis IX. heartily disapproved of the savage denunciations fulminated against the latter at the council of 1245.[p] He declined to appear in person at the council of Lyons; and at two successive interviews with the Pope, at the monastery of Clugny, towards the close of the year 1245, he sought to impress upon Innocent the expediency of an accommodation with the

Obstacles to his projected crusade.

He intercedes with Innocent IV. on behalf of the emperor Frederic II.

[o] Conf. chap. ii. p. 75 et sqq. of this vol. Conf. *Sism. Hist. de Fr.* vii. p. 180.

[p] See chap. ii. p. 76 et sqq. of this vol.

emperor for the rescue of the Holy Land from infidel pollution. He urged scripture, christian duty, and sound policy, to divert the mind of the pontiff from the headlong pursuit of his vindictive designs, and presented to him the concessions proposed by the emperor as of a character to satisfy him of the dutiful disposition of the latter towards the Church and her supreme pastor. But the breath of the pious king was spent in vain. Innocent resolutely declined all negotiation with one whom it pleased him to describe as so sunk in perfidy and crime that it would be preposterous to trust any promise or concession he might offer. Louis, we are assured, retired from the pontifical presence "grieved at heart that he had not found in this pontiff the humility becoming the servant of the servants of God."[q]

Crusade of Louis IX.

But no obstacles could quench the fervid longing of Louis IX. for the immortal glory of redeeming the tomb of his Saviour from infidel pollution. The love and reverence of his subjects at length overcame the lassitude of the public spirit. Past disappointments were forgotten; nor could the incessant efforts of the Pope to divert the arms of France to the overthrow of his personal enemy weigh against the popularity of the king, or the imputed sacredness of the cause in which he had embarked. On the 28th of June 1248 Louis was solemnly invested at St. Denys with the staff and wallet of a pilgrim. On his passage through Lyons he made a third but equally fruitless attempt to prevail upon the Pope to restore peace to Christendom; and on the 28th of August he and a small though well-appointed army set sail from Aigues-Mortes[r] for the East. If the army had been as well commanded as it was equipped, history would not probably have had to record its ignominious fate. But with the issue of the expedition we have little concern.

State of the kingdom

[q] If the story of these interviews be correctly told by *Matt. Paris*, pp. 558, 610, we cannot doubt that Louis IX. gave no credit to the Pope for the alleged motives of his vindictive policy. This is the more surprising, inasmuch as Innocent had branded the emperor as a *heretic;* a charge which, in such a disposition as that of king Louis, must have enlisted all his sympathies on the side of the Pope.

[r] A small town among the marshes of the Rhone, 21 miles S.W. of Nismes.

Queen Blanche, upon whom the regency of the kingdom devolved during the absence of the king, conducted the government with ability and success. The turbulent aristocracy were kept in check; domestic insurrections[8] was subdued, the peace of the realm was maintained; and the kingdom was delivered over to the king, upon his return from captivity in August 1254, in a state of prosperity to which it had been a stranger from the earliest years of his reign.

during his absence.

The death, in the interim, of his great contemporary the emperor Frederic II. and his son Conrad IV. had placed Louis IX. at the head of the European commonwealth. Had he been animated with the ambitious spirit desired by the court of Rome, he might have indulged in dreams of conquest; yet he not only declined the crown of Sicily for one of his own sons, but refused to countenance or promote the indefensible aggression of his brother Charles of Anjou upon the acknowledged rights of the house of Hohenstauffen. The interval of time between his return in 1254 and his still more disastrous expedition to the East, which brought him to the tomb, was spent in improving the condition of his subjects, and protecting the liberties of his Church and people against aristocratic and sacerdotal encroachment. But with a view to throw a clearer light upon the most important act of this king—the so-called "*Pragmatic Sanction*"—it is necessary to advert shortly to the state of the Church and government, as it descended to him after the reunion of some of the greater fiefs of the crown in the two preceding reigns.

Government of Louis IX. in relation to the Church.

Retrospect.

The successful efforts of Philip Augustus to extend the domain of the crown had imparted a degree of strength and solidity to the royal authority in the king-

[8] More especially that of the *Pastoureaux*, a numerous sect, who had been goaded into dissent and insurrection by the extortions and evil lives of the monks and clergy, whom they stigmatised as a gang of greedy, indolent, and debauched vagabonds. The body of the insurgents consisted wholly of a rabble, armed with any kind of weapon that first came to hand, to the number of 100,000 men. The worst offence recorded against them was the murder of twenty-five scholars of the University of Orleans, who had imprudently ventured to withstand their extravagances. *Matt. Paris*, pp. 710-712.

Ordinances relating to the limits of civil and ecclesiastical jurisdiction.

dom unknown since the accession of the Capetian dynasty. In the year after the reunion of Normandy (A.D. 1205), the estates of that province turned their attention to the exorbitant encroachments of the spiritual courts upon the jurisdiction of the duke and the barons of the duchy. They repelled the claims of the Church to adjudicate on temporal estate.[t] They strictly defined and guarded the rights of lay patronage, and the services due to the lord from all temporal estate or fief attached to the churches; and reserved to the lord of the fee all fines, forfeitures, and escheats incurred by reason of any crime or misdemeanour, though cognizable in the spiritual courts. Monks and clerks in orders, charged with murder or felony, were to be delivered, on demand, to the spiritual superior for canonical trial and punishment; but upon condition that, after conviction, they should be banished out of the land; the civil power to be at liberty, if they should return without the king's license, to treat them as ordinary malefactors. At a subsequent meeting of the king's barons at Melun, it was ordered that no suits concerning land should—as was often done—by reason of any oath or promise having passed between the parties, be carried before the spiritual court; but that if any breach of such oaths or promises be alleged and proved, the latter court might impose the proper penances, but that no such plea be allowed to defeat the justice of the temporal lord: that, moreover, the tenants of lay fiefs, held by Church or clergy, should not be liable to the spiritual lord, but only the tenants of original endowments[u] or lands in fee of the Church: though a clerk, charged with murder or felony, might not, in the first instance, be delivered over to the

[t] Excepting only cases of dowry, testamentary dispositions, and the property of crusaders.

[u] Spiritual allodia or francalmoigne—lands originally granted in mortmain, or in fee of the church or clergy. The struggle of the clergy had been, from the beginning, to place the lay estates so frequently granted to spiritual persons and bodies upon the same level with these allodia, or privileged estates, and thereby to communicate to them all the immunities attached to spiritual endowment; to the great damage of the lord of the fee, who was thereby deprived of his dues and services.

lord or his officers for punishment; yet that the spiritual superior should not be permitted to spirit him away to a place beyond the jurisdiction of the natural judge, but that the latter might cause him to be apprehended when found at large, and not in any church or cemetery: lastly, no ecclesiastical authority shall proceed to excommunication against the person, or to interdict against the lands, of the lord on account of any offence committed by his officers, until the lord, or his bailiff, shall have had notice, and demand of satisfaction should have been duly made.[u]

General government of Louis IX.

Though these ordinances extended only to the immediate domains of the crown, they served as rallying-points to the semi-independent principalities of the realm. What was done in the way of legislation in the provinces annexed to the crown could not be without its effect where the like grievances called for the like remedies. During the minority of Louis IX. the queen-regent could do little more than maintain the ground gained by Philip Augustus and Louis VIII. against the great barons and prelates of the realm. Louis IX. himself, when he took the reins into his own hands, popularised his government by parliamentary convocations of the aristocracy and cities of his domains; and, with their consent and assistance, mitigated some of the most pernicious incidents of feudalism. He first discountenanced and restricted, and, some years afterwards, prohibited the right of private warfare.[v] He wholly abolished the trial by wager of battle in civil and criminal actions, and substituted for it proof by oral and documentary testimony.[w] He issued several ordinances regulating the election of borough magistrates, and confirmed and extended the privileges

[u] See *Schmidt's* Abstract of the Ordonnances des Rois de France, Gesch. Frank. vol. i. p. 501 et sqq.; and *Raynouard*, Hist. du Droit municipal de France.

[v] *Ordonnances des Rois de France*, tom. i. p. 56; the ordinance establishing the so-called "quarantaine du roi," or forty days' truce between the injured and the offending parties, to give time for judicial inquiry. Twelve years afterwards (A.D. 1257 or 1258) he totally prohibited the practice within the provinces subject to the crown. See *Ordonn. &c.* tom. i. p. 84.

[w] *Ibid.* tom. i. p. 86.

of cities and towns.[x] He introduced many regulations for the better administration of justice by his officers and bailiffs,[y] and took some steps towards the amelioration of the coinage of the realm.[z] In the favour he extended to the emancipation of serfs, and to measures for the abolition of the abuses and burthens which weighed most prejudicially upon the general intercourse, the commerce, and the industry of his subjects, his mind was insensibly withdrawn from those exclusively religious—or rather, monastic—impressions to which he was constitutionally addicted. The duties of government necessarily came into conflict with sacerdotal pretensions. Every day of his reign revealed to him new evils, new complaints, new protests against the exorbitant advances of the spiritual power upon the prerogatives of his crown and the material interests of his subjects; and thus it happened that the most devout of the sons of Rome gradually slid into a line of policy which narrowed her field of action, and arrested her progress towards the never-failing object of pontifical aspiration. The patriotic measures he adopted enhanced his popularity beyond that of any preceding sovereign of France. And if his natural sense of justice had not been trammelled by his religious prepossessions,[a] more especially his almost insane aversion from Jews and heretics, his fame would have gone down with less equivocal honour to posterity.

His views, how modified by experience.

With all this Louis IX. had listened to the daring assumption of Innocent IV. with patient submission. He had heard from the lips of a pope in full council[b]—and he had heard it

Popular dissatisfaction at the en-

[x] See, among others, the ordinances of 1256, pp. 80, 83.

[y] *Ord. &c.* tom. i. pp. 66, 76.

[z] In the years 1262 and 1265. *Ibid.* pp. 93, 94.

[a] The ordinance of 1250 (*Ord. &c.* tom. i. p. 61) exhibits a noticeable attempt at a compromise between his supposed duty to his church and his sense of justice to his subjects. The lawless seizures of land by the crusaders and inquisitors had wrought such an abundant crop of injustice and wickedness, that some relief was loudly called for on behalf of the innocent sufferers. But the ordinance issued with that view is so full of exceptions and ambiguities as to render it practically useless.

[b] In his justification of his proceedings against Frederic II. at Lyons, in 1245: and conf. the proud declaration of Innocent III., "Dominus Petro non solum universam ecclesiam, sed totum reliquit sæculum gubernandum."

without contradiction or remonstrance—that "Christ, in the person of S. Peter, and his successors, had founded an empire both sacerdotal and royal, supreme over all earthly powers; and that He had endowed them with authority to command the swords and the revenues of the princes of the world and their people for their service, and to cause them to be drawn and expended at their pleasure." But Louis IX. and his subjects had presumed to exercise their judgment upon the nature of the services demanded; and had found them inconsistent with the interests of government and the welfare of the community. Had he been ten times more devoted to the Holy See, the French monarch could not have turned a deaf ear to the stunning clamours of his people. At no period of mediæval history were these censures more freely outspoken than in France while the saint-king occupied the throne. Popular poems and lampoons described the clergy in the mass—but more especially the friars—as a gang of marauders and cutpurses; "they were wolves in sheep's clothing: they were extortioners and homicides." "There was a time—it was said—when kings and princes governed the world; but now priestlings bear rule; and with them comes robbery, delation, treachery: a carrion bird or vulture is not more keen to scent the carcass than your minorite or your preacher-friar: common extortioners and Jews are no match for him in the art of squeezing: what with his cursings and his pardonings, his fastings, his feastings and preachings, he seems to set God and the devil together to work for his profit." Guillem Figuiera, a popular Provençal poet, exclaims, "What wonder that the whole world goeth astray, when thou, O Rome, delightest in war and bloodshed? For thou, Rome, hast both slain and buried all virtues and merit . . . loadstar of mischief . . . root and summit of all evil! . . . thou that shearest thy sheep to the quick, and art mad with the lust of gain . . . . O, may the Spirit of God speedily break thy beak and cut short thy talons; for

Encroachments and corruptions of the clergy.

Popular poems and lampoons on Rome and the clergy.

Guillem Figuiera.

thou hast dealt deceitfully with us! and if thou be not soon shorn of thy power, sad will be the condition of the world . . . . Thy Pope, O Rome, hath set his springes and his pitfalls, and hath snatched the morsel from the mouths of the poor . . . . Thou wearest the soft fleece of the sheep; but inly thou art the ravening wolf, the mitred snake, the fruitful parent of a viper-brood, the bosom friend of Satan."[c]

Bertram Carbonel.

At a later period Bertram Carbonel, a Provençal poet, thus apostrophises the priesthood: "Ha! false priests, liars, cheats, false-swearers, thieves, whoremongers, infidels! The world beholds in mute dismay your manifold iniquities. Was it ever heard tell that S. Peter drew tribute from our land of France? Did *he* ever practise usury, as ye do? Did *he* not rather hold the balance of justice? But ye dispense your curses and sell your absolutions for money: without money there is no salvation for us." About the same period, or rather earlier, Guiot de Provins, a popular rhymer of the north of France, bore his testimony to the rapacious dealings of the court of Rome and her agents. "Rome," he exclaims, "who killest us by inches—who slayest and sparest not—who confoundest all things, and consumest us in the furnace of thy covetousness! At home thou art full of simony and debauchery, and these thy crimes follow thee wheresoever thou goest: thy emissaries have neither faith nor religion: they would sell God and His holy mother for money. They ransack all things, and devour all things: the people are ready to despair, when they behold the vast sums of gold and silver they carry away with them over the mountains: verily, they deal worse with us than if we were pagans . . . . As to the *legates*, they are eaten up with avarice; their dealings are but deceit and guile. O court of Rome, how full art thou of deadly sin! Thy pontiff strays from the path of

Guiot de Provins.

[c] *Renouard*, Choix des Poésies des Troubadours, tom. iv. p. 309 et sqq. See various passages to the same effect at pp. 315, 318, 337, 338, 343, and 351. Guillem Figuiera lived in the early part of the thirteenth century, during the fury of the Albigeusian persecution.

duty; and thereby all things go wrong; all things become corrupt; all law is trodden under foot. Rome was, from the beginning, the foster-mother of murders and felonies;[d] she sucks our blood and swallows up our substance; she is the channel in which flows all evil and mischief; she is a leaven of foulness, all her deeds are an insult to God and holy Scripture. Shall not then her covetousness be destroyed; her pride and her felonies be put to shame?"[e]

Effect of the papal and priestly corruptions on the mind of Louis IX.

Allowing for the natural exaggerations of popular passion, we have in the ordinances of the Church itself the best evidence of the existence of many of the evils and corruptions complained of by the popular advocate. With all his reverence for the Pope and the ministers of religion, Louis IX. saw and condemned the practices which pressed upon his people. He reluctantly confessed to himself the daily inroads committed by the papal emissaries upon the prerogatives of his crown, the privileges of his barons, and the property of his subjects. Neither his religious attachments, nor his devout admiration of Franciscans and Dominicans,[f] could avail him against the clamorous remonstrances which assailed him from the highest to the lowest of his people. The hourly extortions of the papal taxgatherers and mendicants; the unjustifiable interferences of the court of Rome in the disposal of spiritual preferments; the incessant encroachments upon private and crown patronage; the simoniacal bargains of the papal agents; and the disregard of the legates and emissaries of the Holy See for the rights and franchises of royal or private foundation,[g]—all these abuses awakened king and people to a sense—dim and obscure though it might be—of the fatal

[d] Then follows an historical summary of Roman iniquities from the age of Romulus to that of the Christian martyrs.

[e] *La Bible Guiot* de Provins, ap. *Maon* and *Barbazon*, "Fabliaux et Contes," tom. ii. pp. 328, 329. The poet passes the like censures upon the monks of various orders: "they are idlers, gluttons, coxcombs, &c. &c."

[f] He is said to have declared that "if he could divide himself into two parts, he would give one half to the Dominicans, and the other half to the Franciscans."

[g] Especially by means of the obnoxious "non-obstante" clause inserted in almost every papal bull.

consequences of further submission. The ministers of the national church were the first to feel, and the loudest to complain of the exhausting pressure of the papal swarm; and Louis himself acknowledged the shock to his conscience as head of the Gallican church and his interests as sovereign.

Petition of the princes, and remonstrance of Louis IX. to the Pope.

In the year 1246 the princes and barons of the realm petitioned the king to set some bounds to the extortions and encroachments under which they and their churches had so long groaned. In compliance with their desire, Louis caused an energetic remonstrance to be presented to pope Innocent IV. against the iniquities and abuses above adverted to. He freely exposed the corrupt practices of the ministers of the Pope; their mercenary character; their greedy appetite for preferments and benefices; their abuse of excommunication; the spiritual terrorism, to which they habitually resorted to compel compliance with their requisitions;[h] but above all, he protested against the papal demand upon the churches of France for military aid against his enemy the emperor, and the enormous sums of money he had ordered to be levied for that purpose upon the churches of the realm. If, he concluded, the Pope desired to retain the love and affection of the king and people of France, he would hasten to put an end to the scandals which these oppressive demands, these sordid practices had engendered.

Innocent IV. disregards the remonstrance.

But the Pope could not do without agents; the agents would not work without pay; the mendicants thought of little but the perpetuation of their trade with all its profits; the Pope himself went about with the single purpose of destroying his enemy, and for that purpose money was the one thing needed. The remonstrance of Louis IX. fell to the ground; the extortions and abuses com-

[h] "Pay us," said they, "such and such a sum of money, or we excommunicate you." Innocent, the king declared, had given away, in the shape of "non-obstante" presentations, reservations, and provisions, within the first four years of his reign, more spiritual preferments than all his predecessors put together.

plained of went on unabated; and the king was driven to the extremity of prohibiting his prelates to pay over the sums collected, or any others, to the taxgatherers of the Pope: "Whereupon," says Matthew Paris, "they slunk away empty-handed amid the scoffs and jeers of the people."[i] Though Louis might afford some protection against these exactions to the immediate vassals and churches of the crown, the divided state of France opened a wide field for the like extortions and encroachments over the remaining provinces and baronies of the kingdom. The barons of France beheld, with undisguised resentment, the usurpation of their rights and jurisdictions by the papal clergy. With a view to meet these aggressions, the dukes of Burgundy and Bretagne, and the counts of S. Paul and Angoulême swore to a compact of mutual protection; they resolved that, in all cases, any subject carrying his suit, civil or criminal, before the spiritual judge should forfeit his goods, and be in mercy for life and limb. Moreover, if the ecclesiastical judge should excommunicate any suitor in the lord's courts, the sentence, if proved to the satisfaction of the court to be unjustifiable in law, should be deemed null and void. Pope Innocent IV. took the alarm; he quashed the oath of the leaguers, and instructed his legate in France to pursue all who should observe it with the heaviest censures of the Church. The precedent was in fact fraught with danger as much to his financial as to his political interests; and without waiting for the effect of his spiritual thunders, he resorted to the far more effectual course of dividing the plunder with the confederates. The relatives and hangers-on of the great families were gratified by rich preferments, donations, reservations, and expectancies; and the league was for the present rendered innocuous.[j]

Combination of the great barons of France against the papal abuses.

Innocent IV. denounces and condemns the combination.

During the whole or greater part of the reign of Louis IX. the persistent aggressions of the higher clergy

[i] *M. Paris*, an. 1247, p. 630 ad calc. Conf. 1250, pp. 689, 690.

[j] *Ibid.* an. 1247, p. 628. *Raynald*, an. 1247, § 49-53.

Effect of the papal policy upon the mind of Louis IX.

upon secular rights had kept the nobles and people of the realm in a state of chronic irritation and discontent. The prelates frequently complained that their excommunications were powerless; and they petitioned the king to revive an edict of the queen-regent, by which the lands and chattels of persons, who should continue a year and a day under the ban of the Church, should be sequestrated. The king, in reply, demanded that, in such cases, he should be at liberty to satisfy himself of the justice of the ecclesiastical sentence. The clergy, however, declined in any shape to submit the merits of spiritual causes to lay examination, and Louis refused to become a party to an unrighteous prosecution.[k] Throughout his life the religious zeal of Louis IX. had been under the control of a conscience keenly alive to the suggestions of truth and justice. His fanaticism—direful as were its manifestations—was a religious, not a formal fanaticism—a spiritualism in which his natural sense of right and wrong had as large a share as his monastic predilections. But his reverence for the ideal of a Church founded upon the rock of Peter and his representative the bishop of Rome, had received many a rude shock within his prolonged reign. In the course of this probation his mind had arrived at that kind of equilibrium which disqualified him to become the passive instrument of pontifical ambition; and when, in the year 1268, pope Clement IV. insolently announced to the Christian world that the Holy See, "by virtue of the canons,"[l] was entitled, "notwithstanding" (*non obstante*) any antecedent right, to present to all church preferment at his discretion, and *that* even before vacancy—the king of France without delay stepped in to the rescue of the national church and the franchises of his subjects from the extravagant pretensions of the Roman despot. In the month of March 1268 he published the celebrated

[k] Except in the case of heresy, or imputed heresy, the natural sense of justice was rarely absent from the mind of the king. Thus, in the year 1235, and afterwards in 1263, he discharged the citizens of Poitiers from the interdict of the archb. of Rheims and the bishop of the city.

[l] Conf. *Decret. Greg. IX.* lib. vi. c. 4, § 1, 2; ed. Richter.

ordinance since known by the title of the *Pragmatic Sanction*, which — short and simple as it is—was for many subsequent ages regarded as the Magna Charta of the Gallican church.[m] *The Pragmatic Sanction.*

The ordinance enacted that

1. The prelates, patrons, and rightful patrons of spiritual benefices shall have full and perfect enjoyment of all their rights:

2. Cathedral and all other churches of the kingdom shall have unreserved liberty of election:

3. The crime of simony shall be utterly banished from the realm:[n]

4. The collation and promotion to prelacies and other benefices shall be made in conformity with the common law (of the kingdom or province), the decrees of the councils, and the decisions of the fathers:[o]

5. The intolerable exactions of the court of Rome, by which the kingdom is so lamentably impoverished, shall not for the future be levied, unless it be in case of urgent necessity, and then only with the consent of the king and of the Gallican church:

6. All the liberties, franchises, immunities, rights, and privileges heretofore granted by the kings to the churches, monasteries, and abbeys of the kingdom, shall be assured and confirmed to them.[p]

Regarding this enactment from a papal point of view, we find it to be irreconcilable with some of the most essential of the Innocentian principles.[q] The maxims of the pontiff, to whom the theocracy was indebted for its fullest development, were, *first*, that the Pope, as the representative of the divine government, is the supreme arbiter and dispenser of all spiritual function and dignity: the *second*, that he is likewise the ultimate *The Pragmatic Sanction inconsistent with the principles of Innocent III.*

[m] See *Ordonn. des Rois de France*, tom. i. p. 97.

[n] A provision against the open practice of the court of Rome and the papal agents, to appropriate or to share the profits of spiritual offices by bargain or by sale.

[o] That is, in conformity with Church legislation and ancient custom, in opposition to the arbitrary decrees of Rome.

[p] Conf. *Sism.* Hist. de Fr. tom. viii. p. 106-108.

[q] Conf. chap. i. p. 3-6 of this vol.

source from which all temporal power and office is derived. In reference to the first of these maxims, it is obvious that freedom of election, either in the Church itself, or in patrons presenting and collating to spiritual preferments, must be nugatory whenever it might please the pontiff to put his supreme prerogative in force. Then, coupling this first proposition with the second, it is equally clear that the endowments, or temporal possessions of the churches are placed at his disposal, upon the special ground that such possessions are part and parcel of the same spiritual unity, and attached to it as the necessary instruments of its outward manifestation and action.[r] The combination of the two principles, when carried to its ultimate—we may say, its logical—result, must have the effect of merging all church-lands in the general estate of the Church, that is, in that of the Holy See. By this process they would be brought under the direct sovereignty of the Pope, in the same manner and sense as those in which the great fiefs of France became ultimately united with the crown. Neither the reasonings nor the consequential action of the Church of Rome were often at fault; and if the scheme, thus skilfully initiated, had been successfully reduced to a political reality, we might predict the result with as much certainty as if it were already an historical fact.

Proximate causes of the failure of the papal scheme.

But we may, with the same certainty, point to two circumstances as mainly contributing to its failure. The *first* of these arose out of the immitigable war of the empire and the papacy: the *second*, as far as the kingdom of France is concerned, was called into action by the incorruptible integrity and solidity of the character of Louis IX. The first of these causes compelled the pontiffs to make that kingdom the fulcrum of their operations against the empire, and thus to yield to, or pass over in silence, many matters in the king's government restrictive of the pontifical power; matters which, in the case of the

[r] See art. 4 of the Innocentian maxims, p. 4 of this vol.

emperor himself, were construed as inexpiable crimes. The second proximate cause of the failure of the theocratic scheme of Rome conveyed a glaring and equally premature disclosure of what the world might expect, if it should succeed; a disclosure which imparted that impulse to the public mind which enabled Louis IX. to address to his spiritual father the unfilial monition, "Thus far shalt thou go, and no farther." The so-called Pragmatic Sanction became the Magna Charta of the Gallican church, and, under the fostering care of the French lawyers and canonists, laid the foundation of a privileged church among the enthralled nations of Latin Christendom.

The Pragmatic Sanction the *Magna Charta* of the Gallican church.

The life and reign of Louis IX. closed on the pestilential shores of Africa, whither his unquenchable zeal for the deliverance of the Holy Land had impelled him. With the courage of a soldier, he lacked the talents of a general. As in his disastrous expedition to Damietta, he wasted his own strength and that of his followers in a futile attack upon the Saracen city of Tunis. He died before the place, on the 25th of August 1270, in a spirit of pious resignation and joyful hope. Yet impartial history will not hold that the personal virtues of Louis IX. can balance his deficiencies as a ruler of men. In persons in high station errors of judgment are as pernicious as errors of intention. Oneness, without schism or division, lay at the root of his convictions. He believed in the divine character of his kingly office as firmly as he believed in the divine right of the Pope. The opinion was suggested by a superficial perusal of Scripture as explained by the instructors of his youth; and probably derived in part from the precepts of the civil and canon law.[s] This view of the secular power of princes stood in harmony with the *sacerdotal unity* upon which the scheme of Rome was built; thus incidentally drawing all governing power within the theocratic pale.[t] The great principle of the

Government and death of Louis IX.

[s] The favourite studies of the age. Conf. *Cath. Pet.* Book xiii. c. ii. p. 347.

[t] Conf. *Cath. Pet.* Book xiii. c. viii. p. 619.

papacy, that all earthly power flowed to the possessors through the Church, deprived worldly government of an original and independent basis, and invested it with a derivative or subordinate character; reducing it thus to become the simple conduit-pipe for diffusing over Christendom the "fertilising waters" of the great fountain springing from the chair of Peter. Though the incapacity of the lay community for patient investigation or rational induction might keep the scope and intent of the theory out of view, yet the secular sympathies of Louis IX. and his subjects inclined them to the side of imperialism. In his efforts, however, to check the encroachments of the priesthood he leaned rather upon the antipathies of his people than upon any principle of resistance resulting from independent reflection or political prescience.

CHAPTER V.

PAPAL GOVERNMENT IN ENGLAND IN THE THIRTEENTH CENTURY.

England a vassal-state of the Holy See—The Pope the guardian of the kingdom during the minority of Henry III.—The legate Wala—Archbishop Langton in England—Pandulf legate to England—Peculations of Pandulf—The Pope and Curia against Langton and De Burgh—Financial embarrassments and their causes—Papal demand of donative canonries, &c.—Remonstrance against the excommunication of Frederic II.—Death of Langton; election of a primate—Death of archbishop Richard—The Pope intrudes Edmund Rich into the see of Canterbury—Insurrection against papal abuses—Subsidence of the disturbance—Downfall of the ministry; the bishop of Winchester minister—The Pope checks the imprudent proceedings of Peter des Roches—Dismissal of Peter des Roches—Papal abuses, and remonstrances of clergy and laity—A subsidy granted; confirmation of Magna Charta—A crusade published in England; its results—Papal devices for raising money—Projected general taxation of the churches of England—Excommunication of the University of Oxford—Demand of a general subsidy from the clergy refused—Modes of raising money resorted to by the legate—Wants of king Henry III.; his demands supported by pope Gregory IX.—Innocent IV. pope; his mode of raising money in England—The emperor admonishes king Henry III., &c.—A subsidy and confirmation of the Great Charter—A convocation and refusal of the papal demand—Rage of Innocent IV.—Boniface of Savoy archbishop of Canterbury; his financial scheme—Resistance—Pressure upon pope Innocent IV.; how relieved by archbishop Boniface—Emancipation of pope Innocent IV.—The *non-obstante* clause—Robert Grossetête, bishop of Lincoln—Robert Grossetête at Rome—Denunciations of Grossetête against papal abuses—The crusade a source of illicit revenue—A conditional supply proposed by the clergy, but rejected by the king—The clergy purchase a *non-obstante* bull of exemption, &c.—Convocation and parliament of 1253—Conditional grants—King Henry again breaks faith with his subjects—Consequences of the principle of pontifical government in England, &c.—Grossetête on the Roman pretensions; his denunciations—Death of Robert Grossetête—The kingdom of Sicily offered to prince Edmund—Mode of raising funds for the service of the new kingdom—Infatuation of Henry III.—Heavy accumulation of debt; bargain with the Pope—Richard of Cornwall king of the Romans—A parliament on the Sicilian question—Conditions of participation proposed and rejected by the Pope—The king resigns the crown of Sicily for his son—The Barons' war; causes of the outbreak—Parliament of Oxford—*Provisions of Oxford*—Purport of the "Provisions"—Impression produced on the people—Character and effect of the Provisions of Oxford—Grievances

of the barons, and memorial to the Pope—Wise policy of Alexander IV.—Incipient schism among the barons—Effects of the schism—Absolution of the king, and dissolution of the government—Reference of differences to Louis IX. of France; his award nugatory—Intrigues of the sister queens—Necessity of an appeal to the sword—Outbreak of the Barons' war—Battle of Lewes—Dismissal of Simon's envoys—Secessions from the party of the barons—Defeat and death of Simon de Montfort—The king absolved from his late oaths, &c.—Discontent of the seceders from the barons' party—Parliament of Bury St. Edmund's—Replies of the parliament to the demands of the king and the legate—Reply of the insurgents to the summons of the legate—Concluding operations of the legate Ottoboni—Observations on the reign of Henry III.—Death of Henry III.

England a vassal-state of the Holy See.

"THE kingdom of England is mine," quoth pope Innocent III.; "mine by homage, fealty, and tribute paid,"[a]—a declaration which implied something more than a dominium supremum, in the strict feudal sense, over the king and kingdom of England. It could not be denied that king John had, as far as in him lay, executed a surrender of all his rights to the Pope, receiving them back as a subject-vassal of the Holy See. But irrespective of this surrender, it was maintained, on the part of the Roman pontiff, that the sanctifying acts of coronation and unction had the effect of incorporating kings, princes, and rulers into the body of the Church of which the Pope was the divinely-appointed monarch and governor; that the powers of the spiritual sovereign could not be limited by human laws, nor his agents be trammelled by any secular custom or ordinance inconsistent with his government; that kings were his ministers, and their rights his rights, to be dealt with by him for the benefit of the Catholic Church and its chief. Upon these grounds Alexander III. had annulled the statutes of Clarendon. More emphatically still, pope Innocent III. had condemned the Great Charter of John as soon as, by the indiscreet aid of the patriot barons, he had tamed the tyrant to his yoke. Thenceforward the kingdom of England was regarded at Rome as part and parcel of the patrimony of St. Peter; and the history of the reign of Henry III. of

[a] Conf. *Cath. Pet.* Book xiii. c. vii. p. 620.

England will be found to offer striking illustrations of the most prominent principles of the Innocentian policy in active operation. Though the statutes of Clarendon and the Great Charter of liberties were neither erased from the records of the kingdom nor from the memory of the people, yet it will, we think, be found that subsequently to the surrender of king John, and during the long reign of his feeble successor, the action of secular law was paralysed or suspended, and that the substantial direction of public affairs had fallen into the hands of Rome and her agents, so as to place the rights and revenues of the crown, and, in many respects, the liberties of Church and people, at their disposal.

The Pope the guardian of the realm and of the minor king Henry III.

It is reported that, before his death, king John had in a special rescript affirmed the annexation of the kingdom to the patrimony of St. Peter, and solemnly transferred the guardianship of his infant successor to the Pope as his spiritual father and superior lord. "Therefore," addressing the pontiff, he is reported to have said, "we have called together our magnates, and have enacted that our kingdom, *which is yours*, and our heir and successor, be placed under your wardship and that of the holy Roman Church."[b] Accordingly, on the 28th of October 1216, the legate Wala assembled the loyal adherents of the late king at Gloucester, and solemnly crowned the young prince; causing him, at the same time and place, to swear fealty and to do liege homage to himself as representative of the supreme lord of the kingdom, and to pay the sum of 1000 marks into the papal treasury by way of tribute. Pope Honorius III. issued minute instructions to his legate to provide for the maintenance and education of the children of the late king, and the government of the kingdom during the minority of his successor.[c] Wala himself took the great seal of the kingdom into his personal custody, and

[b] See the document ap. *Raynald*, an. 1216, § 31, p. 396. We find, however, nowhere else any mention of such a convocation of the barons of England prior to the death of king John.

[c] *Rayn.* an. 1217, §§ 69-77, pp. 423-425.

republished a qualified edition of the Great Charter with a view to conciliate the barons who still held out against the court.[d]

The legate Wala.

After the defeat and retirement of prince Louis of France, in the year 1217, the legate had little to contend against but the latent discontents and partial plottings of the disappointed barons. In other respects he appears to have studied the interests of the community, without neglecting those of his master or his own personal emoluments. He is reported to have retired to Rome with an ample fortune,[e] leaving behind him a nephew and a numerous staff of richly-beneficed Italian clergy to collect his revenues, and to keep up his communications with the country in which he himself still retained a large stake.

Archbishop Langton in England.

Pope Honorius III. was not disposed to push his newly-acquired rights over the kingdom to extremes. He promoted the deserving among the native prelates, and admonished his representatives to study the wishes of the regents and the king in their appointments to prelacies and spiritual dignities.[f] Archbishop Langton was released from his irksome detention at Rome, and, upon his return to England, was received with the most lively demonstrations of the national satisfaction. He successfully asserted the right of his see to crown the new sovereign; and the defect of the coronation at Gloucester was remedied by a legitimate unction and consecration of the infant sovereign by his hand, at Westminster, on the 17th of May 1220. The allegiance of Langton to Rome was always subordinate to his zeal for the liberties of his Church; he worshipped the memory of Becket rather as the champion of his order than as the advocate of Roman pretension, and by the splendid honours bestowed

[d] All the special provisions against the king, as well as all the regulations for the levy of aids and scutages, were omitted. *Hallam*, Mid. Ages, vol. iii. p. 213, ed. 1853. The most important of the provisions of the Charter of John, suppressed in this edition, were art. 12 and 13.

[e] "Reversus est," says the continuator of *Hoveden* (p. 185), "cum infinitâ pecuniâ quocunque modo acquisitâ." Conf. *Pauli*, Geseh. Eng. iii. p. 512.

[f] *Regist.* Hon. III. lib. iii. epp. 428, 429.

upon the remains of the great martyr of sacerdotal privilege, he paid a practical homage to that capital provision of Magna Charta which secured to his Church all her inherited rights and immunities.[g]

Pandulf legate to England.

Every act of the otherwise commendable government of pope Honorius III. shows to demonstration that the Roman curia regarded the kingdom of England in the light of a simple appendage to the patrimony of St. Peter. The notorious Pandulf was once more entrusted with the general management of affairs in that country. The queen dowager, Isabella of Angoulême, who some time after the late king's death had married count Hugh de la Marche, was compelled, by the menaces of the Pope, to surrender the custody of her younger daughter Isabella to the English regency, with a view to her disposal in marriage to Alexander II. king of Scotland, in case Johanna, the elder sister of the king, should not survive to fulfil a prior engagement to the like effect in her own person.[h] Pandulf brought with him a special precept from the Pope to compel the great barons, who still held over the king's castles and boroughs against the government, to surrender them *in integro* to the regent. All tournaments were strictly prohibited, upon the ground that they afforded facilities for dangerous conspiracies against the government. Measures, in themselves conducive to the efficiency of the administration and the tranquillity of the kingdom, were carried out with vigour and success by the honest chief justiciary Hubert de Burgh ; and an interval of domestic peace and prosperity served for a time to disguise the disgraceful state of dependence to a foreign power into which the kingdom had fallen.[i]

[g] The *first* article runs thus : "Quod Anglicana ecclesia libera sit, et habeat jura sua integra, et libertates suas illæsas," &c. &c. Conf. *Pauli*, Gesch. Engl. iii. p. 425. The translation of Becket's remains from the crypt where they were at first deposited, to a rich shrine in the upper choir immediately behind the high altar, on the 7th July 1220, was attended by the king and the whole court in a body. In the same year another saint was—probably at the suggestion of Langton—added to the Anglican calendar in the person of Hugh bishop of Lincoln, another resolute vindicator of clerical privileges. Conf. *Cath. Pet.* Book xii. c. viii. pp. 314, 315.

[h] *M. Paris*, pp. 260, 263. *Rymer*, Fœd. i. pp. 163-169. Conf. *Rayn.* an. 1220, §§ xlvi. xlvii. p. 481.

[i] See *Rayn.* an. 1220, ubi sup.

Peculations of Pandulf.

As bishop-elect of Norwich, Pandulf had come into possession of the rich revenues of the see, while in the character of legate he was exempted from the jurisdiction of the primate of the province. He collated his nephew, whom he had brought with him from Italy, to the richest preferments in the diocese ; and, upon a groundless pretence of poverty and debt, he obtained from the Pope an indult, enabling him to put into his own pocket the revenues of all livings which had fallen vacant within the last two years.[j] The falsehood of the pretence was, however, speedily exposed by the archbishop and prelates of the province, and Pandulf was compelled to accept consecration as bishop of Norwich, and to content himself with the revenues of the see. His new position was regarded as inconsistent with the character of legate, and he was soon afterwards recalled ; but not until he had handsomely provided for himself and the Italian dependents whom he had brought with him.[k]

The Pope and curia against Langton and the regent De Burgh.

The affairs of the kingdom had hitherto been ably administered by the chief justiciary Hubert de Burgh, with the sanction and coöperation of archbishop Langton. But the sources of disturbance to the public peace were not yet dried up. Many of the great barons still retained a firm grasp of the illegal gains acquired during the late civil wars. The foreign mercenaries brought into the kingdom by king John remained still in military possession of the midland counties, under their renowned leader Fawkes de Bréauté. Peter des Roches, bishop of Winchester—the favourite of John—was associated with Hubert de Burgh in the guardianship of the king, but apparently without any great share or influence in the government. With a view to recover his position at court, and to supplant his rivals, he entered into secret correspondence with the malcontent earls of Albemarle and Chester and the mercenary chief Fawkes de Bréauté. But by the prompt and vigorous military operations of

[j] *Reg. Hon. III.* lib. iv. ep. 602.

[k] Pandulf left about midsummer of the year 1221.

the regent De Burgh, Fawkes was compelled to take refuge in France, where he assumed the cross, and shortly afterwards removed to Rome. Here he assailed the credulous ears of pope Honorius with bitter complaints of the maladministration of the English regent—his ambitious invasions of the rights and property of the barons —his wanton disturbance of the public peace—his selfish endeavours to shut out the king from his constitutional advisers—his refusal to listen to all remonstrances against these lawless proceedings, &c. Archbishop Langton figured at the head of the list of offenders. Fawkes was fully aware that the character of Langton was of too national a cast to suit the views of the court of Rome. It was well known there that the archbishop entertained widely different objects from those which habitually governed the conduct of the curia; and the latter were not sorry for an opportunity to quench, if possible, the alarming liberalism which promised to dry up the source of the wealth and power they expected to draw from the vassal kingdom under their own peculiar manipulation. Accordingly the tale of Fawkes de Bréauté and his confederate, Peter bishop of Winchester, was eagerly adopted: the whole quiver of papal wrath was poured out upon the head of the archbishop: Fawkes himself was elevated to the dignity of a confessor: the king was bitterly reproved as an incendiary, and a wanton instigator of civil bloodshed, while neglecting the obvious duty of husbanding all his resources for the recovery of the continental patrimony of his crown: he was warned to cease from persecuting the faithful servant of his late father; and threatened with the immediate dispatch of a cardinal legate to England to put a stop to these unspeakable disorders.[1]

Financial embarrassments, and their causes.

There was, however, apparently no objection at Rome to the king of England involving himself in an expensive, if not a ruinous, foreign war. By the aid of a subsidy of a fifteenth granted by the estates of England, and a like

[1] *Regist. Hon. III.* lib. ix. ep. 14, 15.

charge upon the revenues of the churches under a pontifical order,[m] Richard earl of Cornwall, the king's brother, was enabled to maintain himself painfully in the remaining Anglo-French provinces during the years 1225 and 1226. Though the great council or parliament of the former year had annexed to the grant an express stipulation that the king should again confirm and republish the Great Charter, it appears that the exhaustion of the finances occasioned by the war in France had driven the court to many irregular modes of raising money.[n] Still the failure of funds for the payment of the annual tribute to Rome was severely resented by the Pope; though the distresses of the subjects, and the inability to pay, were enhanced by the grasping rapacity of the papal clergy quartered on the country, and the lavish appointments to stipends and preferments bestowed by pontifical briefs and indults upon foreign clergy, who uniformly exported in specie the revenues thus derived to be expended abroad.[o]

Papal demand of donative canonries, &c.

Towards the close of the year 1225, a new temporary governor arrived from Rome in the person of the magister Otto, or Otho, with instructions to procure the recall of Fawkes, and the restitution of his forfeited estates. But the death of the adventurer discharged the legate from the ungrateful task. Neither was he more fortunate in the more important commission to persuade the government and clergy of the kingdom to consent to the great scheme of papal extortion so recently and so unsuccessfully proposed to the clergy of France by the cardinal-legate Romanus.[p] The legate Otto, indeed, assembled the clergy of England at Westminster, and produced letters from the Pope conveying a demand of two stalls or prebends in every cathedral church, and two canonries in all other corporate or collegiate bodies. The proposal was listened to by the assembly with con-

[m] *Thom. Wykes*, Chron. an. 1225, ap. *Gale*, Hist. Ang. Ss. tom. iii. p. 40.

[n] *E.g.* by fines levied under writs of "Quo warranto" and "Inspeximus." The sums thus raised are said to have amounted to 100,000*l.*

[o] *Rymer*, i. p. 167. Conf. *Pauli*, Gesch. Eng. iii. p. 566.

[p] See ch. iv. p. 121, note (r).

sternation and dismay. The prelates declared themselves incompetent even to deliberate upon any such measure without the concurrence of the crown and the estates of the kingdom; and, to the intense disgust of the legate, dispersed to their homes without taking leave. Either the legate was regarded at Rome as a bungler, or the Pope was satisfied to leave the question in the hands of archbishop Langton; yet so it was that master Otto was speedily recalled. A great synod at Westminster, in the Easter week of the year 1226, enabled the primate to return a respectful but decisive answer to the papal demand. The discussion was neither long nor doubtful. It was unanimously resolved that, "as the measure concerned, not the kingdom of England only, but all Christendom, no step could be taken in the matter, till it should be known how other powers might be inclined to deal with it."[q] The like experiment upon the ecclesiastical estates of Germany was at this moment obviously hopeless; and after failure in the two leading kingdoms of Christendom, pope Honorius III. thought it best to abandon the project with a good grace.

As far as it lay in his power Honorius III. had not been unwilling to make a friend of the archbishop of Canterbury. Within the last days of his pontificate, he had relieved Simon, the brother of the latter, from the excommunication under which he had long laboured. The king and royal family were conciliated by a special bull, exempting them from the like censures by any ecclesiastical authority but that of the Holy See itself.[r] But this tenderness of apostolical dealing came to an end with the accession of his fiery successor, Ugolino di Segni, who mounted the throne on the 19th of March 1227,[s] by the name of Gregory IX. With the true pontifical instinct, Gregory regarded every inch of territory that had ever belonged to the vassal

Accession of Gregory IX.

[q] *M. Paris*, p. 276. *Wykes*, ubi sup. p. 40.

[r] *Rymer*, i. pp. 185, 186.

[s] According to the *Art de vér. &c.* *Ciacone* dates his election on the 20th March (xiii. kal. April.), the day after the death of Honorius. See *Vit. Pontif.* tom. ii. p. 65.

crown of England as the special property of the Holy See. In this view the court of France was, at the outset of his pontificate, admonished to beware of committing any of the accustomed depredations upon the continental possessions of a vassal of the see of Rome.[t] But the king and primate of England soon fell under the harshest censure for declining to publish the bull of excommunication issued in the first year of his reign against the emperor Frederic II.[u] The bull had, in fact, been received with undisguised disgust in England; nor was the savage hostility of the irascible priest suffered to interrupt the friendly understanding which had for some time been growing up between the courts of England and Germany. Henry even ventured a timid remonstrance against the rigour of the Pope in his dealings with the first monarch of Christendom—one who was, he said, at that moment straining every nerve to redeem his engagement to the Holy See—and was, at least, entitled to gentle treatment till his intentions should be fully known.[v]

Remonstrance against the excommunication of Frederic II.

The imperial protest against the nefarious censures of pope Gregory had produced a strong impression of disgust both in England and France.[w] But the only person who, from position, courage, and discretion, could have given a definite direction to the public mind at this juncture had passed from the scene of his patriotic labours. Stephen Langton died on the 9th of July 1228. Henry III., though legally and physically, was never morally or mentally of age; and the shock to the public feeling was allowed to die away, without imparting that caution or instruction to Church or government it was so well

Death of Langton—Election of a primate.

[t] "Nimirum . . . . frequentes et diversas molestias ab avo et patre tuo regibus et regno Angliæ irrogatas, Romana ecclesia non sine derogatione sustinuit famæ suæ, *cum regnum Angliæ specialiter ad ipsam pertineat*, et immo in ejus injuriis honos sedis apostolicæ læsus fuit." *Rayn.* an. 1227, §§ 54, 55, p. 599.

[u] *M. Paris*, pp. 290, 291, reciting the letter of Greg. IX. to Langton.

[v] *Pauli*, Gesch. Eng. iii. p. 570; from a letter in the *Regist. Greg. IX.* dated 7th April 1228, not quoted by *Raynaldus*.

[w] See the document as set out by *M. Paris*, p. 293, after *R. Wendover*. And conf. c. ii. p. 43 of this vol.

calculated to convey. The demise of archbishop Langton, in fact, gave occasion to a repetition of the like abusive management as that which had sullied his own election.[x] The canons of Canterbury chose their prior, William of Einsham, to succeed him; the king refused him institution, and the suffragans of the province once more advanced their claim to participate in the election. All the parties put in their appeal to Rome; where, as a matter of course, the cause became the subject of a money-bargain: the king, in childish eagerness to carry the nomination, promised his consent to the levy of a tenth on the Church revenues of England and Ireland in aid of the Pope's wars; the election of William of Einsham was set aside, and Richard, the chancellor of the diocese of Lincoln, was presented to the canons of Canterbury as their archbishop upon the sole authority of the Holy See.[y]

Death of archbishop Richard.

The new primate zealously embraced the views of his patron the Pope; and appears without delay to have entered into the conspiracy of the malcontent bishop of Winchester, Peter des Roches, and his partisans for the overthrow of the patriotic ministers, Hubert de Burgh and the earl marshal Richard of Pembroke. With this, or some similar purpose, he hastened to lay his grievances before the Pope. The ministers, he complained, had treasonably engrossed for themselves and their creatures all the most lucrative offices of state; they had held the king in a degrading state of seclusion, and had shut out the great barons of the realm from access to his person and participation in his councils. Gregory took up the cause with his ordinary vehemence; but the archbishop died suddenly at Rome a few weeks after his arrival. The monks of Canterbury speedily elected Ralph de Neville, bishop of Chichester, as his successor;[z] but

[x] Conf. *Cath. Pet.* Book xiii. c. viii. p. 569 et sqq.

[y] "Ex concessâ nobis a Domino pastoralis officii . . . . et plenitudine ecclesiasticæ potentatis." *M. Paris*, p. 299. The particulars he gives of the mode of election and the excommunication of William of Einsham are amusing. Conf. *Thom. Wykes*, Chron. an. 1228, p. 40. He enumerates other arbitrary appointments to bishoprics at the same point of time.

[z] On the 24th September 1231.

Ralph was suspected at Rome of opinions too closely resembling those of archbishop Langton; nor did the independent action of the chapter at all suit the objects of the curia or the despotic character of the pontiff. Ralph de Neville was rejected, and in like manner two other candidates successively dispatched by the canons to Rome for confirmation.[a] After this, Gregory thought it time to put an end to a comedy by which no one was either deluded or amused. The prior and canons of Canterbury were commanded to accept Edmund Riche, canon and treasurer of the church of Salisbury, as their archbishop, and on the 2d of April 1234 the monks abandoned all further efforts to maintain their privilege of election, and installed the papal nominee as their archbishop and primate of all England.

The Pope intrudes Edmund Riche into the see of Canterbury.

There were few among the numberless modes of extortion by which the court of Rome contrived to share the wealth of the churches, which fell with greater weight than the charges incident to the institution to the higher ecclesiastical offices. What with costly journeyings to and fro, and still more costly solicitations at Rome, some two or three years' revenue both of appellants and respondents was frequently absorbed. But this abuse of power was insignificant in comparison with the iniquitous traffic habitually carried on by the leeches of the curia with spiritual preferments of all kinds, and the diversion of Church revenue from its legitimate purposes to the private profit of the hangers-on of the papal court. These practices had been carried on in England with a shameless publicity which cast into the shade the like delinquencies committed in the other countries subject to the spiritual sceptre. At length the vexatious influx of foreign ecclesiastics, and a sense of that religious destitution which resulted from papal collations, reservations, expectances, and what not, conferred upon

Insurrection against papal abuses.

[a] These candidates were the prior of Canterbury, and Waller or Walter Blunt, an Oxford professor of theology.

strangers, roused a spirit of resistance in the commonalty, which threatened the public peace, and led to a critical movement throughout the kingdom. A secret association of the gentry of the country issued warning notices to the occupiers of lands subject to tithes against the payment over of any rents or charges upon their holdings to the proctors of the intrusive incumbents, upon pain of seeing their houses and stores burnt over their heads: moreover, all persons who should take any farm or tenement under those interlopers were threatened with the like penalty; and all rents and dues issuing from such preferments were ordered to be thenceforward paid into the hands of the persons appointed by the association to receive them; or otherwise to the convents or churches to which they of right belonged.[b]

Subsidence of the disturbance.

The orders of the association were very generally obeyed throughout the country. The granaries and storehouses of the intrusive clergy were broken open, and the grain and stores they contained either sold for the benefit of the plundered churches, or distributed gratis to the poor of the district. The king's ministers took little trouble to arrest the movement, and were even themselves suspected of conniving at the excesses of the populace and their leaders.[c] It is, indeed, not improbable that the upright and patriotic Hubert de Burgh and Richard of Pembroke were not sorry to see a question which they could not personally deal with, taken into the hands of the sufferers themselves. The passionate remonstrance of pope Gregory IX. was replied to by the appointment of a commission of inquiry into the excesses complained of, and several persons were imprisoned and fined as principals or accomplices; but the chief of the conspiracy, Robert de Thweng, remained unmolested, and was even dispatched to Rome with a special recommendation

[b] *M. Paris*, p. 313.

[c] The number of these leaders is computed to have amounted to eighty, all acting under one Robert de Thinge or Thweng, a king's knight or minor baron, whose orders were obeyed by all with the regularity of a disciplined army.

from the king, and a request that justice might be done him in a matter of a private wrong inflicted upon him by the intrusion of an Italian priest upon a living in his gift.[d]

Downfall of the ministry; the bishop of Winchester in power.

But the resumption of many of the profuse grants of crown-estate and military commands, dating from the late civil wars, had converted the ousted recipients into irreconcilable enemies of the ministers. The powerful barons who had adhered to the party of king John—all, in short, who had profited by the late troubles—struggled hard to retain their ill-gotten gains.[e] Supported by these malcontents, the intrigues of Peter des Roches were at length successful; the imbecile monarch gave a ready ear to the whisperings of the enemies of the minister; and the struggle of clergy and people to shake off the yoke which pressed so severely upon their consciences and their property ended in disappointment and failure. Hubert de Burgh was dismissed from the king's councils and thrown into prison; two thousand mercenaries, levied in Poitou, were introduced into England to aid in the suppression of the liberties of Church and people; and the Pope issued a bull condemning the Great Charter, and annulling every previous grant of privilege restrictive of the authority of the crown.[f] The powerful earl marshal Richard of Pembroke boldly remonstrated against the treasonable designs of the bishop of Winchester; the new minister insolently replied that "the king, in virtue of his prerogative, was at liberty to introduce any number of troops he might deem necessary for the defence of his crown, and the reduction of proud and rebellious vassals to obedience." The earl and his friends retired from the court in disgust, and prepared for the defence of life, honour, and estate.

The first measure of the new government was to brand the seceders as rebels and traitors; and, without

[d] *M. Paris*, p. 316.

[e] Honorius III. had, as we have seen (p. 153 of this chap.), approved these resumptions.

[f] See the bull as quoted by *Pauli*, Gesch. Eng. iii. p. 594, from the *Regist. Greg. IX.* lib. vi. epp. 230, 231.

form of law, to sequestrate their lands and honours in virtue of the supreme prerogative of the crown. The protest of certain loyal bishops against this infamous proceeding called forth a declaration of the minister denying the right of the seceders to the privileges of the peerage claimed on their behalf: "There are," said he, "no such persons as peers in England as there are in France; the king, therefore, is at liberty to condemn and banish from the land whomsoever it may please him." Irritated by this impudent avowal, the prelates threatened him with excommunication. The bishop retorted by commanding them, in the name of the Holy See, to pronounce the curse against the earl marshal and the whole body of the king's enemies. The order was treated as it deserved; and it was plainly seen that the support of the national prelacy was not to be counted upon in support of the violent measures of the court. In fact, the first check to the treasonable policy of the bishop of Winchester proceeded from a quarter whence he had little reason to expect opposition. The remonstrances of the national prelacy at Rome, seconded by the support of the recently-elected primate, Edmund of Canterbury, placed the policy of Peter des Roches in a new light before the pontiff. The late minister, Hubert de Burgh, had, it appeared, escaped from his confinement in the castle of Devizes, and taken refuge at the altar of a chapel dedicated to St. John within the purlieus of the borough; but had been violently dragged from his asylum by the orders of the bishop.[g] Whether more displeased by the rashness of his agent in England, or irritated by the sacrilegious breach of sanctuary committed by the orders of the legate, certain it is that the loud remonstrances of the English prelacy, aided by the solicitations of the princess Margaret of Scotland, drew from the Pope a severe rebuke, and a command to the king and the bishop of Winchester to treat the

The Pope checks the imprudent proceedings of Peter des Roches.

[g] Hubert had married the princess Margaret of Scotland, whose solicitations at Rome were not without their effect. *M. Paris*, p. 324. *Wykes*, Chron. an. 1233, ubi sup. p. 41.

late minister as a true man and a faithful son of the Church.[h]

Dismissal of Peter des Roches.

But before this rebuff was received by the king and the favourite, their prisoner had been liberated by the sudden assault of Gilbert Basset, a zealous partisan of the earl marshal, on the place of his confinement.[i] Meanwhile a very general disaffection had been created by arbitrary levies, in the shape of subsidies and talliages, upon towns, boroughs, and lands throughout the kingdom.[j] Thus slighted by his master the Pope, and pressed upon by the resentment of the commonalty, the power of Peter des Roches came to rest wholly upon the precarious favour of the king and the arms of his 2000 Protevinian mercenaries. The first blow at the influence of the favourite was struck by archbishop Edmund, during a conference with the king, held at Westminster, on the 2d of February 1234. The king and the bishop were told that they had incurred the penalties of excommunication by their many infractions of the Great Charter, and disregard of the laws and liberties of the barons and people of England;[k] and at a second interview the primate and the attendant bishops[l] openly threatened the king with publication of the sentence he had incurred by his breach of faith. Henry took the alarm; and humbly replied to the menace, that "he was disposed in all things to follow the counsels of his prelates."[m] The bishop of Winchester was accordingly dismissed, and banished to his see; and the Pope lost a zealous, if not an intelligent and discreet, agent in England.

Papal abuses —remonstrances of clergy and laity.

These transactions go far to prove the important fact, that the Great Charter of liberties had taken as strong a root in the mind of the Church as in that of the laity of the realm. Between the years 1234 and 1239 several cir-

[h] Conf. *Reg. Greg. IX.* lib. vii. ep. 329, under date of the 17th Oct. 1233, addressed to Hen. III. with ep. 330 to Peter des Roches.

[i] *Wykes*, Chron. ubi sup.

[j] *Ibid.* pp. 41, 42.

[k] The king's oath was pledged to the charter upon penalty of excommunication.

[l] On the fifth Sunday in Lent, an. 1234.

[m] *M. Paris*, p. 335.

cumstances contributed to shake the influence of the court of Rome in England.[n] In the year 1235 the emperor Frederic II. had married the beautiful Isabella, the second sister of Henry. This alliance brought the king into connection with a prince of a more sterling stamp; but his counsels were of little avail to instil a firmer or more consistent principle of government into the mind of the weak and vacillating king. While supporting his brother-in-law by a body of auxiliaries, in aid of his wars against the insurgents of Lombardy, he supinely permitted the Pope to collect the sinews of war for their support within his kingdom. The amount, character, and effect of these extortions upon the interests of the country are described in vivid language in the unanimous protest of the clergy and barons of England addressed to the Pope through their envoy, Robert de Thweng, in 1232. They complained that, by the enormous abuse of papal provisions and reservations, all who possessed the right of patronage throughout the kingdom had been defrauded of their ancient privilege, and compelled to induct strangers and foreigners. "The pilot of Peter's bark," said they, "had obviously fallen asleep at the helm, and it was necessary to arouse him from his slumbers." "It hath happened of late," they further alleged, "that as soon as a vacancy became known, papal emissaries, upon pretence of a pontifical provision, obtruded a foreigner upon them . . . thence arose inconveniences of many kinds; contentions, jealousies, quarrels; nor was it improbable that homicides should grow out of a continuance of these abuses." The protest of the aggrieved patrons was accompanied and enforced by letters from the king and his brother, the earl Richard of Cornwall. On the eve of a final rupture with the emperor, it became expedient, in profession at least, to set some limits to these extortions: but no effectual step was taken by the Pope to put an end to the malpractices complained of, or to dry up the abundant sources of profit and influence upon which

[n] Not the slightest notice seems to have been bestowed upon the foolish repeal of Magna Charta by Gregory IX.

the agents and emissaries of the curia had so long thriven.[o]

A subsidy granted—Confirmation of Magna Charta.

In the year 1235 the king married Eleanor, the second daughter of count Raymond Berengar of Provence and Savoy.[p] Great sums were expended in celebration of the marriage, and the crowd of needy relatives and dependants, who followed the new queen to England, completed the exhaustion of the finances. The court was besieged, and the offices of state engrossed, by a host of foreign parasites and sycophants,[q] to the almost total exclusion of the national nobility: the exchequer was empty: an accumulation of debt and difficulty at length drove the king into the arms of his lieges; and a scanty subsidy of a thirtieth of all movables was obtained, upon condition of a solemn re-enactment and confirmation of the Great Charter, with all the spiritual penalties annexed to the breach of its provisions introduced by archbishop Langton,[r] and the strict appropriation of the sums collected to the payment of the king's debts.

A crusade published in England; its results.

In the following year a general crusade in aid of the Christians of Palestine was preached in England. Earl Richard of Cornwall, the king's brother, and a numerous company of barons and gentry engaged in active preparation for the contemplated expedition. But, as time wore on, it became evident that the relief of the suffering Christians in Syria formed but a subordinate part of the Pope's design. The rupture with the emperor Frederic, and his second excommunication in 1239, suggested the diversion of the crusade to the humiliation—if possible, the destruction—of his great enemy. But threats and promises were squandered in vain to induce the obdurate Anglicans to assail the imperial heretic, or even to

[o] The affair of the remonstrants was, as usual, protracted through a series of years. The envoy Thweng, it is true, obtained the relief he sought, but nothing further was done to put an end to or mitigate the evils complained of. Conf. *M. Paris*, pp. 459, 460.

[p] *Wykes*, Chron. ubi sup. p. 43.

[q] William of Valence, the queen's uncle, became the principal counsellor of the king, upon the recommendation of pope Gregory.

[r] *M. Paris*, p. 368, ad an. 1237.

give credit to the foul charges flung upon him[s] by his malignant foe. Under the impression that the armament might tend rather to strengthen his enemy than to assist his design, he ordered the king to countermand the expedition, and absolved the crusaders from their vows and oaths for the deliverance of the holy sepulchre. But though compelled to renounce his iniquitous project, the Pope was not without his own peculiar resources. The mendicant friars in England were empowered by special bulls to seize the movables of all persons dying intestate to the use of the Holy See; all nuncupatory wills[t] were declared inoperative, and the property so conveyed an escheat to the papal exchequer.[u] But so violent an invasion of the rights of property appeared to the more discreet members of the curia likely rather to impede than promote the raising of the necessary funds for the holy war, and the Pope was persuaded to relinquish the project. But cardinal Otto, the Pope's legate in England[v]—reputedly the ablest financier of the court of Rome—found means to alleviate the disappointment of his master. By the sale of bulls of privilege, provisions, indults, in every imaginable form, he contrived to replenish the papal treasury. The sale of absolutions from their vows to recusant crusaders produced no insignificant sums; and an ingenious device for compelling the conventual bodies to pledge their credit for considerable sums brought in still larger supplies.[w]

Papal devices for raising money.

By these means the pontifical treasury was for the

[s] *M. Paris*, p. 412; and conf. chap ii. p. 69 of this vol.

[t] Testamentary dispositions, namely, not signed or executed, but simply reduced to writing by the witnesses under the verbal directions of the testator—generally *in extremis*.

[u] *M. Paris*, p. 631.

[v] Since the year 1237.

[w] The process, according to *M. Paris* (p. 476), seems to have been the following: a particular chapter was fixed upon, and persuaded to give bond for a certain sum with a promise of indemnity; this bond was then exhibited to other communities as an approved precedent. Sometimes even fictitious or forged deeds were resorted to to strengthen the impression, and with a view to prevent detection a promise was extracted to keep these transactions secret for the space of six months. The bonds thus fraudulently obtained were then sold to the money-lenders attending the legate at an exorbitant discount: considerable sums were in this way realised to the Holy See, besides no insignificant profits to the legate himself.

Projected general taxation of the churches of England.

moment pretty well replenished; but the financial victories thus achieved were of too partial a character to satisfy the cravings of the curia, or to supply the growing demands of the war in Italy; and in the year 1240 the legate took heart to propose to the English clergy a more general measure of taxation, without concealing the fact that the funds were required to feed the war of the court of Rome against the emperor Frederic. The legate had, at this moment, good grounds to rely upon his personal influence at the court of England, as well as upon the general respect of the people for the legatine commission. About two years before this fresh attempt upon the property of the churches, it happened that, while the legate was visiting the University of Oxford, one of his foreign servants was slain by the students in a street-broil.

Excommunication of the University of Oxford.

The king, at the requisition of Otto, sent out a military execution against the unlucky university. The delinquents and all connected, or supposed to be connected with the riot, were arrested and thrown into prison, and the university itself was interdicted and excommunicated by the incensed legate. The masters and scholars, however, obtained a relaxation of the sentence through the intercession of the prelates of the province, but not until they had appeared before the legate in London in a penitential garb, and humbly implored pardon for an offence of which the majority at least were wholly guiltless.[x] With these proofs of the submissive disposition of court and clergy before him, the legate had no reason to despair of success in his experiments on the purses of the clergy and people.

Demand of a general subsidy from the clergy refused.

His partial assaults had hitherto met with no obstacles which cunning, importunity, or fear could not overcome. He now stepped forth with a demand of one fifth of the annual revenue of the churches and conventual bodies to arm the hands of the Pope for a deadly blow at his great enemy. But two successive

[x] See the description of the penitential procession in *M. Paris*, pp. 396, 397.

convocations of the clergy[y] unanimously repelled the proposal of the legate. They declined to contribute their money to the shedding of innocent blood and the ruin of a friendly sovereign; and they protested that for this, as for all preceding subsidies, they had no security against the misapplication of the funds, or their diversion to purposes the reverse of those for which they were granted.[z]

The resistance of the clergy in their corporate capacity was obviously insuperable. The legate was therefore thrown back on his original plan of individual solicitation, but with the advantage that the necessities of the King converted him into the ready instrument of the legate, by whose aid he could alone hope to share in the spoils of the churches. A large class among the clergy awaited the chapter of accidents which might throw preferments and dignities in their way; and these persons were of course open to the solicitations of the legate. The mine thus opened out was worked with skill and perseverance; and thus in the end what was unobtainable by acting on the body of the Church, was yielded by private ambition or extorted by intimidation.[a] During the three years of cardinal Otto's residence in England, he had invariably enjoyed the confidence and attachment of the King. But the spirited remonstrances of Henry's brother-in-law the Emperor against the open encouragement afforded to his enemy to levy the sinews of war in the kingdom, at length produced their effect on the timid spirit of the King; and he apologised by a dastardly confession of his vassalage to the Holy See; but at the same time ventured upon a humble intercession to the Pope on behalf of his imperial relative. The receipt of his apologetic letter plunged the fiery pontiff into a paroxysm of rage; but the cardinal legate was made to feel that the better part of valour was discretion. He had, in fact, accomplished all that in respect of financial operations was for the present obtainable. In the shape of commendams,

Modes of raising money resorted to by the legate.

[y] The first at Southampton, the second at Reading.

[z] *M. Paris*, p. 477.

[a] *Ibid.* pp. 477, 479.

rents, moneys, provisions, reservations, purveyances, &c. he had accumulated vast funds for the present use of the Holy See, and the establishment of the papal interests in the country; and accordingly, shortly after Christmas 1240, he took his departure, to the great satisfaction of the country and the serious regret of the King.[b]

Wants of king Henry III.; his demands supported by pope Gregory IX.

The barons and churches of England had shown no want of liberality in relieving the King from the distresses he had brought upon himself by his incapacity for government, his prodigalities, and his indiscriminate favouritism. But when, in the year 1242, he resolved to make an effort for the recovery of the lost inheritance of his family in France, the estates of the kingdom refused further supplies. Some funds, however, were raised by private solicitations and other irregular modes he had learnt from the papal agents; and he set sail from Portsmouth, and landed at Bordeaux on the 19th May 1242, with a retinue—rather than an army—of 300 knights and their attendants. The history of this ill-conducted and abortive expedition is but remotely connected with the subject of our narrative. It is enough to observe that every hope of reinforcements in men or money from home having failed, an armistice for five years was agreed upon with Louis IX. of France, and signed on the 7th of April 1243, upon terms, on the whole, not unfavourable to the weaker party. But the treasury was by this time reduced to penury, and an amount of debt contracted from which a public grant could alone relieve the King. In the interim Sinibald dei Fieschi had ascended the papal throne by the name of Innocent IV.,[c] and had taken up his residence at Lyons, a position from which he hoped to hurl his shafts with the more deadly aim against his enemy the emperor Frederic II. The urgent demand of the king of England for subsidies to relieve his actual distresses

Innocent IV. pope.

[b] *M. Paris*, pp. 469, 470.

[c] On the 24th June 1243.

were energetically supported by the new Pope. The clergy were imperatively admonished that "it was the duty of the Church to uphold and support those whom she had exalted to the royal dignity; in order that the powers of this world might be habituated to look up to her for help in time of need, and be disposed to train up their subjects in the like devotional frame of mind." The churches were accordingly commanded, as they valued the honour of their sovereign and the precepts of the Holy See, to administer to the wants of the King by a liberal subsidy.[d]

His mode of raising money in England.

Pope Innocent himself, however, was at this moment sadly in want of money for the support of the gigantic contest in which he had engaged with his great adversary.[e] The vassal kingdom of England was the quarter to which the court of Rome habitually looked for the needful supplies; and in that department of his spiritual government the financial abilities of Innocent IV. under difficulties shone forth, *more Romano*, with a lustre which cast those of his predecessors into the shade. One master Martin appeared in England furnished with blank bulls, provisions, indults, and other instruments, to be filled up *pro re nata* by the legate; and the King himself was, with some cunning, solicited to become the collector for the Pope, doubtless not without a prospect of sharing the plunder.[f] But on the eve of so critical an application to his subjects, he could not afford to endanger his popularity by appearing in the obnoxious character of tax-gatherer to the Pope. A general convocation of the province of Canterbury flatly refused the subsidy demanded, intimating broadly that the necessities of the King ought to take precedence of those of the Pope, inasmuch as to call upon them to comply with the demands of both was not only beyond their power, but utterly unreasonable in itself. From the King, they added, they might expect some return for their money;

[d] "Honestum subsidium." *M. Paris*, p. 563.

[e] Conf. chap. ii. p. 76 of this vol.

[f] The King was requested "ut ipse se vicem redderet," &c. namely, for the collection.

but from the Pope they knew they could get back nothing.[g]

The Emperor admonishes king Henry III., &c.

At the same time the laity of England were awake to the effect of the proposed scheme of taxation upon their own interests. They knew that the sums collected must ultimately come from their pockets, and be carried out of the kingdom to feed the ambition and resentments of the court of Rome. The patrons of livings had ample warning as to the significance of the bulls, indults, &c. in the coffers of the legate, and were not ignorant that their patronage was one of the most saleable articles in the papal budget. The general impression was strengthened by an urgent remonstrance, on the part of the emperor Frederic, against permitting his enemy to arm himself with funds for his destruction in an allied country; he demanded that all the moneys so collected should be sequestrated, and no further levies of the same nature sanctioned. "If," he added, "the king of England would be advised by him, *he would, with a strong hand, cast off the degrading yoke imposed by pope Innocent III. upon his father*—a yoke which was consuming the vital powers of his kingdom and people." The imperial demand was backed by a threat to confiscate the vessels and property of the King's subjects found in any part or territory belonging to the empire,[h] if he should refuse the satisfaction required. The parliament, however, were prevailed upon to grant the customary aid of twenty shillings on every knight's fee for the marriage of his eldest daughter; but not without reminding him of his frequent infractions of the chartered liberties of his people, and exacting a republication and confirmation of the Great Charter with all the solemnities, and subject to all the penalties annexed to his antecedent engagements.[i]

A subsidy, and confirmation of the Great Charter.

At this point of time (A.D. 1244) the King was con-

[g] *M. Paris*, p. 565.

[h] It should be noticed that at this period, besides the Baltic ports, those of Holland and Belgium were included in the empire, forming portions of the circles of Lorraine and Westphalia.

[i] They enumerated no fewer than twelve instances of the like flagrant breach of faith by the king. *M. Paris*, p. 566.

fined at Abingdon by illness; and the legate, conceiving the juncture favourable, again convoked the clergy of the province of Canterbury, and endeavoured to convince them of the inconsistency and iniquity of supplying the wants of their temporal monarch while wholly refusing to contribute to the relief of their spiritual sovereign. The clergy, however, coldly observed that, in the absence of the King and the estates of the kingdom, whose interests were so seriously implicated, they would take no proceedings in the matter. They even declined an adjournment proposed by the legate, and dissolved the meeting without further notice of the papal requisition. In this dilemma the legate resorted to the ordinary devices of private solicitation, bribery, and menace; but with so little success, that in his resentment he is reported to have "belched out mighty threats against the obdurate clergy of England."[j] The legate laid the report of his failure before the Pope in full session of the great council then assembled at Lyons for the purpose of procuring the general coöperation of Christendom against his enemy the Emperor. The rage of Innocent IV. was poured out in unmeasured language upon the delegates of the King and churches of England. "I must," he said, "speedily bring matters to an issue with your master: these little kicking kings must be reduced to order; and verily, when I shall have trodden the great dragon under foot, these little vipers shall give me no further trouble."

A convocation, and refusal of the papal demand.

Rage of Innocent IV.

Though at this period the sources of plunder flowed less abundantly than heretofore, there was no relaxation of the claim of the Pope and curia to share the revenues of the vassal church and state. In the year 1243 Boniface of Savoy, the brother of the queen, had been elected archbishop of Canterbury, and two years later was consecrated to the see by the Pope himself.[k] The new primate was a layman in habit and pursuit. He wanted money for the prosecution of his projects of ambition and aggrandise-

Boniface of Savoy archbishop of Canterbury.

[j] *M. Paris*, p. 567.

[k] A.D. 1245, in the council of Lyons.

ment in his own country. Innocent, on the other hand, was no less in want of funds for his operations against the Emperor. Under these circumstances, an understanding with the new primate of England was an easy matter. Boniface forthwith set to work to dilapidate the estates of the see,[1] and in virtue of a grant from the Pope of the first year's income of all incumbencies in the province that should fall vacant within a term of seven years, proceeded to raise the sum of 100,000 marks, to which amount the grant was limited. This plan of finance, though not new, was inexpressibly offensive to patrons and people. Apprehensive of a renewal of the outrages of 1232,[m] and irritated by this and other flagrant invasions of the rights of the crown and the commonalty, the King issued a proclamation, strictly *prohibiting the introduction of papal bulls of "provision," and other modes of extortion*, by which the Church and country had been so grievously impoverished. The danger, however, passed away, and the King speedily yielded to the pressure brought to bear upon him by the court-faction, which had by this time monopolised all the principal offices of state and government. The ordinance, though never rescinded, was allowed to fall to the ground; and the archbishop and his satellite Peter de Eggeblanc, bishop of Hereford, met with little further resistance in the pursuit of their plans of usurpation and plunder.[n]

His financial scheme.

Resistance.

Pope Innocent IV. was not free from troubles which touched the most tender points in his own character. Subsequently to the close of the great council of 1245, he had fallen into a state of mortifying dependence upon the powerful archbishop of Lyons, and his allies the princes of Savoy and Provence —a position from which they and their friends in the English court were extremely reluctant to release him. The advantages to the latter flowing from this state of things were indeed abundant enough. The King had,

Pressure upon pope Innocent IV.

[1] By cutting down the forests, and imposing oppressive contributions on the tenancy of the Church. *M. Paris*, p. 575.

[m] Conf. p. 161 of this chapter.

[n] *M. Paris*, p. 606.

at the solicitation of his mother the queen dowager, obtruded his uterine brother, Ethelmar de la Marche, upon the see of Winchester. Notwithstanding the manifest unfitness of the candidate,[o] the Pope could not at the moment afford to forfeit the favour of the court, and the appointment of the new prelate received the papal confirmation. Henry, in truth, found himself at liberty to distribute bishopries and preferments of all kinds among the foreign sycophants and dependents of the court without opposition from the pontiff. Archbishop Boniface made the best use of his time; and by means of a levy of twopence in the mark upon the revenues of all livings within the province, by forced visitations, purveyances, procurations, and commutations in money for compulsory services, within the manors of his Church, raised large sums of money, all of which were immediately sent abroad for the promotion of his own and his master's interests.[p]

How relieved by archbishop Boniface.

But after the death of the Emperor (1250) and pope Innocent's return to Rome, the latter found himself at liberty to make his own bargains. In consideration of a present of 4000 marks raised among the bishops of England by individual contributions, he was prevailed upon to reject the archbishop's proposal to share the profits of a general visitation, by which it was expected that considerable sums might be extracted from the intimidated and helpless clergy of the province. This comprehensive scheme was indeed abandoned, but every other source of papal extortion flowed on with little abatement. The King and court were permitted to carve out annuities and charges upon the churches in favour of their own foreign chaplains and of the brothers of Henry and their dependents; the Pope was allowed to send bulls *ad libitum* into the kingdom, in which he uniformly inserted the celebrated *non-obstante* clause, abrogating all rights, grants, and privileges, which might

Emancipation of pope Innocent IV.

The *non-obstante* clause.

[o] An ignorant, thriftless, and ruffling youngster.

[p] *M. Paris*, p. 694.

operate adversely to the special object of the bull, whatever that object might be, and emancipating the purchaser or the recipient from all prior obligations, however solemnly contracted or guaranteed.[q] The able and learned bishop Robert—surnamed Grossetête—of Lincoln zealously denounced these abuses, and openly declared that if he dispensed his preferments to persons designated by these bulls, it would be doing no less than "playing into the hands of Satan himself." But in his zeal for a general reformation of the lives and morals of his clergy, he forgot that Rome wanted helpers and servants, not reformers. The good bishop believed that in the more reputable class of Minorite friars—more especially those who had recently nestled in the University of Oxford, and won for themselves a not undeserved reputation for learning and purity of life—he had gained an important body of auxiliaries in the cause of reform. But his endeavours, by the aid of the Mendicants, to correct the vices of the more ancient orders, and to compel a true canonical application of their exorbitant revenues, drew down upon him the bitter resentment of those powerful bodies.[r] Complaints of his innovations reached the ears of the court of Rome, and the bishop was put upon his defence. With that view he appeared before the Pope[s] in person, and unburdened his conscience to the unsympathising ears of Innocent IV. The monks, it appears, had been beforehand with him; and when the bishop had fully opened his case, the pontiff grimly replied, "Brother of Lincoln, what concern is all this of yours? Be satisfied; you have delivered your own soul, and we have delivered the monks out of your hands."

Robert Grossetête, bishop of Lincoln.

Robert Grossetête at Rome.

Affairs in England were all this time proceeding

[q] See the pathetic lamentations of *M. Paris* (pp. 708, 709) over the ruined state of the English churches under the combined pressure of royal and papal extortion.

[r] That of the Benedictines of St. Alban's is described by their spokesman, *Matt. Paris* (p. 669). The writer, however, does justice to the honesty and zeal of the bishop when he does not touch the discipline of his convent, or deal too roughly with the secular habits and indulgences of the regulars. He describes the bishop generally as "religiosiorum fustigator indefessus."

[s] A.D. 1250.

from bad to worse. After the reception the brave bishop had met with at Rome, it could not be expected that the malpractices of the court should meet with any effectual check from that quarter. Bishoprics, abbeys, preferments of all kinds, were bartered away or plundered at pleasure: worthless and incompetent incumbents were imposed upon the parishes; money was levied by the foreign courtiers and their proctors upon any pretence or none. But the more monstrous the abuses, the louder was the denouncing voice of Robert of Lincoln raised against them. The nefarious *non-obstante* clause was the subject of his bitterest invectives; and to this masterpiece of fraud —this unlimited license for tyranny and plunder—he traced all the evils of non-residence, incompetence, prodigality, and pauperism, which afflicted the enslaved and impoverished church of England. It is remarkable that, surrounded as he was by opponents on all sides, his voice was ever heard, his religious character ever respected, even when overborne for a time by the clamours of interested adversaries or personal enemies. The great and the good among men, to a greater or less extent, stamp their own character upon the age. The denunciations of Robert Grossetête—to say the least—kept alive a spirit of resistance which imposed some limits on the extortions of the Pope and the foreign courtiers of the King.

Grossetête's denunciations against papal abuses.

Innocent IV. had hitherto taken little interest in the success of the crusade against the infidels of Palestine. His attention was absorbed by his wars with Manfred of Sicily, and the overthrow of the Hohenstauffen power in Italy. But in another view the crusade presented advantages of which he was not slow in availing himself. Whilst Louis the Saint was still prosecuting his luckless expedition against the Saracens of Egypt, the king of England was commanded to send every man and all the materials of war he could supply to the aid of the great champion of the cross. The prodigal and needy prince eagerly seized the opportunity thus afforded for extract-

The crusade a source of illicit revenue.

ing money from the pockets of his subjects. The miserable Jews were squeezed to the last penny, and every familiar device for extorting money was resorted to, without much care as to its application, so that neither Pope nor King should go away empty-handed.[t] The financial operations of Henry were zealously seconded by the pontiff; and a sweeping *non-obstante* bull was despatched to enable the King to levy the sum of 600,000 marks upon the church and people of England. Henry, indeed, assumed the cross *pro formâ;*[u] but no one believed that he had any object in view but that of obtaining money to be lavished upon his foreign favourites and shared with the Pope of Rome. Under the like pretences, archbishop Boniface revived his scheme of a general visitation of his province. The Pope gave his assent; but with a colorable limitation as to the amount of the procurations and fines to be levied—a qualification by which no one was misled. The citizens of London set the example of resistance, and were roundly rated by the King for "a rabble of mercenary hucksters." The common people were ruthlessly ground down by these requisitions; they were robbed of their horses and carts, worn out with forced labour, and frequently deprived of all they possessed, having nothing but worthless tallies to show for all their contributions; if indeed they were fortunate enough to escape the kicks and cuffs of their brutal taskmasters.[v]

A conditional supply proposed, but rejected by the King.

Though neither clergy nor people were indifferent to the duty of delivering the holy sepulchre from infidel pollution, no class of men could be brought to believe in the sincerity of the actual promoters of the crusade. A papal *non-obstante* rescript for the annual levy of a tenth of all ecclesiastical revenues for a period of three years, ostensibly to enable the King to defray the expenses of the crusade, was unanimously rejected at a general convocation held at London in the month of June 1252. The

[t] *M. Paris*, pp. 717, 718.

[u] With an ostensible engagement to set out within a term of three years, "unless prevented by death, failure of health, *or other reasonable impediment.*"

[v] *M. Paris*, p. 729.

clergy accompanied their refusal with a long catalogue of grievances and abuses; and concluded by a strong intimation of their suspicions that the ultimate design of the King was no other than the total overthrow of the chartered liberties of the people, and the delivery of all the wealth and property of the nation into the hands of his foreign favourites: "He had, indeed, taken the cross, but, like his father before him, solely with intent to enable him to suck the substance of the nation, and after that to trample his native subjects in the dust." Yet, in proof of their own attachment to the sacred cause towards which they were called on to contribute, they stipulated that any subsidy they might be disposed to grant should be both levied and applied by their own officers, and under their own superintendence. The proposal was, however, rejected by the King with anger and disgust, and the deputies of the clergy rudely dismissed to reconsider the insulting offer.[w]

The clergy purchase a *non-obstante* bull of exemption, &c.

While the clergy were deliberating upon the King's demands, the parliament of the kingdom was solicited to contribute their share towards the expenses of the crusade and other pressing public burdens. But they declined separate negotiation, upon the ground that a demand which involved sacrifices affecting all classes alike must be debated in common. In fact, the movements of the court-party involved such and so many flagrant breaches of private rights and franchises as could be encountered only by the combined resistance of church and people. The King and the barons parted in a spirit of mutual alienation, foreshadowing the disorders which were soon to burst upon the kingdom. The clergy meanwhile, trembling under the displeasure of two masters—Pope and King—bethought them of an expedient which, on a former occasion of the like kind, had proved successful.[x] A sum of 6000 marks was subscribed, and a bull *non-obstante* was purchased at Rome, exempting them, or at least the greater number, from the more vexatious incidents of the proposed visitation: the Pope had profited

[w] *M. Paris*, p. 732.

[x] Conf. p. 175 of this chap.

to the extent of the bribe thus administered; the King, to his infinite disappointment, had gone away empty-handed. The extortions of both had met with a temporary check; yet it was said, and believed at the time, that Innocent IV., during his single pontificate, had carried away, upon the whole, a larger sum out of the kingdom than all his predecessors together, since the earliest period of the Roman connection.[y]

Convocation and parliament of 1253.

But whether it was from a lurking spirit of loyalty, or because they apprehended that if they left the King in the lurch, more violent measures might be resorted to to relieve his necessities, the clergy were prevailed upon to grant a moderate subsidy, divested of the offensive clauses, though with the usual vows and promises and anathemas annexed. Henry now made no objection to the grant, and cheerfully took the oaths required.[z] It speedily appeared, however, that he entertained as little intention to redeem his promise on this as on all former occasions. The frauds and peculations of his officers and collectors—every repetition of which was a substantive infraction of the Great Charter—knew no end, and the subsidy of 1252 was as speedily dissipated as every other supply hitherto granted. In the following year the exchequer was as empty as ever, and Henry was driven to lay his necessities before a general parliament of the lay and spiritual barons of the kingdom. After fifteen days' debate, the clergy agreed to a subsidy of a tenth for the holy war, to be paid to the King as soon as he should certify to them, from ocular evidence, that he had *bonâ fide* embarked for the Holy Land. The parliament, not to be behindhand in loyalty, granted him a subsidy of three marks on every knight's fee for the current year, upon his solemn oath faithfully to observe and keep every article of the Great Charter. The King accepted the conditions: the Great

Conditional grants.

[y] The amount of the rental conferred by this Pope upon Italian and other foreigners was said to have amounted to the annual sum of 75,000 marks'; a figure greatly exceeding the revenues of the crown lands. *M. Paris*, p. 740.

[z] In the chapel of St. Catharine in Westminster.

Charter was produced, read and sworn to by king, barons, and clergy simultaneously; after which ceremony, solemn sentence of anathema and excommunication was pronounced by the bishops against all, without distinction of rank or condition, who should infringe any article set forth in that instrument.

In this early stage of our constitutional history the collection and appropriation of parliamentary grants was of the competence, if not of the prerogative, of the crown; so that when a subsidy was once granted, the king's officers were not interfered with in the collection and payment into the exchequer. The attempt at appropriation made by the clergy in the year 1252 was not imitated by the parliament upon the occasion just adverted to. The chink of money was a temptation to which the conscience of the miserable prince never failed to yield; and his courtiers found no difficulty in persuading him that the restriction of the grant to the purposes of the holy war was a traitorous infringement of his prerogative—a positive breach of allegiance on the part of the subjects, which absolved him from all his engagements with them. As to oaths and excommunications he need, they urged, be under no apprehension; for that, for the trifling consideration of one or two hundred pounds, the Pope would readily enough absolve him from both; or, if more were demanded, a small part of the subsidy would suffice, not only to purchase exemption from every spiritual penalty incurred, but probably enable him to prolong the grant for a year or two beyond the three years for which the subsidy was granted. It is almost needless to add that the counsels of the court-party were adopted. Not a penny of the subsidies voted was applied to the stipulated purposes. Complaints poured in of the rigour with which the collection was enforced, especially as it affected the conventual and parochial clergy. A bargain was struck with the Pope, in virtue of which the subsidy was extended over five, instead of the original three years, upon the understanding always that the plunder should be equitably shared with the

King Henry again breaks faith with his subjects.

court of Rome. The Great Charter was as little heeded by both parties as if no such instrument had ever existed.[a]

Consequences of the principle of pontifical government in England, &c.

The monotony of simoniacal pravity, perjury, peculation, and fraud, which the history of England during this unfortunate reign presents, was a pregnant result of the principle of papal government established by Innocent III. England was a satrapy of the great spiritual realm. The King was regarded as the simple delegate of the supreme monarch, and in that capacity incapable of binding his principal by any private compact between himself and his own subjects: the "king of kings" adopts, modifies, or cancels all such arrangements as his designs or his prescience may suggest: all power in heaven and earth is vested in the successor of St. Peter; a power, of course, subject to no control, limitation, or contract, to which it might not suit him to make himself a party. In the ordinary course of secular government by satrapy, the sovereign, if so disposed, removes an obnoxious officer by the easiest of all expedients. The same remedy was not indeed available to the spiritual monarch; but the power to consign the soul of the rebel to eternal perdition was no bad substitute for the bowstring or the scimitar;[b] while the facilities for squeezing the subject in the two forms of government offer—as we have seen—not a few remarkable analogies. The *non-obstante* clause inserted in all the recent instruments of papal administration stood aptly enough in the place of the absolute fiat of sultan or shah. As far as the government of Henry III. was concerned, no difference of views was likely to subsist between him and his superior: their necessities were the same and their motives very much alike. The joint scheme of plunder had met with but one really formidable opponent. In the mind of Robert Grossetête, bishop of Lincoln, the origin, progress, and consequences of the conspiracy were mirrored with surprising clearness. His learning, courage, and sanctity of life had charmed the eye and gained the ear of the Christian

[a] *M. Paris*, an. 1254, pp. 766, 770. [b] Conf. chap. i. p. 3 of this vol.

world; and adversaries who would not have hesitated to pronounce the like opinions in the mouth of men of lower reputation to be heretical, could not venture to deal too roughly with so firmly established a reputation as that of the good bishop.

Bishop Grossetête had dared to apply the test of Scripture to the pretensions and practices of the court of Rome. "The vicar of Christ," he maintained, "must be like his Master; his steps must be guided by the same rules as those which governed his apostolic predecessors; his motives of action cannot be other than those of the disciples of Christ: but the unholy *non-obstante* clause was a manifest infraction of all these precepts and examples—a decree odious to God and fatal to the purity of the ministry—a naked instrument of oppression and fraud: they who devised and introduced it are the precursors of Antichrist: resistance to such an ordinance is not rebellion, but an imperative duty; it is a pregnant token of true obedience to the Holy See, not an act of resistance to her lawful commands." The bishop, therefore, in the face of the Christian world, repudiated the clause, and declared that in so doing he afforded the strongest proof of the honour and reverence due to God and the Pope. This daring protest threw the haughty pontiff into a paroxysm of rage; but his more prudent council were not for the present prepared with a produceable reply; they gently hinted to their incensed master that the religious reputation of bishop Grossetête might, in the opinion of the world, be proof against his authority; and that rebuke or punishment might provoke contradiction, and give infinite trouble to the Holy See.[c] Grossetête on the Roman pretensions.

This counsel was judicious: the life of the bold censor of the papal policy was drawing to a close; and it was pretty well known to the curia that he was not likely to find either in the court or church of England a body of disciples strong enough to maintain and propagate his opinions. With his latest breath bishop Grossetête reiterated his anathemas against the His denunciation.

[c] *M. Paris*, an. 1253, p. 750.

transgressors of the Great Charter of liberties, and grievously censured his late friends, the Mendicants, for their participation in, or connivance at, the malpractices of the Pope and the court. As to the share of the former in these damnable—he would even say heretical—invasions of the sacred liberties of the church, he observed, that "though it might be said of many popes that they had grievously afflicted the churches, yet that this man had afflicted them more abundantly than they all: he had encouraged the most oppressive usury; his chapmen and money-mongers carried on their nefarious trade in open day; seculars and regulars were alike compelled to set their hands to obligations for greater amounts than they were bound to pay, to enable the extortioners to put the difference into their own pockets: it was moreover notorious that the friars, under instructions from the Pope, assiduously haunted the death-beds, prompting the sick and dying to make wills and bequests ostensibly for the prosecution of the holy war, and even to take the cross, in order that, if they should survive, they might sell them dispensations from their vows taken in sickness, or, if they died, they might obtain the money from their families or their executors:" the sale of dispensations, the issue of bulls for the collation of worthless foreigners to spiritual cures, were sources of anguish embittering the last hours of the saintly bishop; but the most grievous of all his regrets arose out of the departure of his friends the Minorites from their first love; "for now," said he, "have they converted themselves into the mere publicans and tax-gatherers of the court of Rome:" "so that," he concludes, "what with Pope and intrusive clergy—what with *non-obstantes*, money-mongers, and taxing-friars, the vices of greed, usury, simony, rapine, luxury, gluttony, lust, have their perfect work:[d] to all these crimes *they had made the King their accomplice and the sharer of their plunder.*"

[d] *M. Paris* puts into the mouth of the bishop, as applied to the Pope, the following distich:

"Ejus (papæ) avaritiæ totus non sufficit orbis:
Ejus luxuriæ meretrix non sufficit omnis."

M. Paris, an. 1254, p. 756.

Bishop Grossetête died as he had lived—bearing his testimony against the law-breakers of his age, without distinction of pope, king, or friar.[e] But the fruit of his labour was as yet far from maturity. Archbishop Boniface lost not a moment in taking possession of the revenues of the see. The King continued to extend the levy of the tenths, granted by parliament for the current year only, over the following years, and to squander the produce with his usual prodigality, without bestowing a thought on the purpose for which they were granted, or on the oaths he had taken. Three of the most important sees in the kingdom[f] were in the hands of the crown or its minions. The revenues of one bishopric at least, and of many other pieces of preferment, flowed into the coffers of the King and his favourites; the citizens of London suffered under a variety of fines and penalties, inflicted without even a colour of law; yet the exchequer was ever empty; and the King, bewildered by debt and difficulty, was driven to naked extortion and robbery for relief.[g]

Death of Robert Grossetête.

The appointment of prince Sancho, a younger brother of the king of Castile, a youth barely twenty years old, to the bishopric of London, was regarded by the citizens as a bitter insult. The profusion of the Queen and her uncles swept away the successive supplies granted for the public service; and the dearth of money occasioned by the daily

The kingdom of Sicily offered to prince Edmund, &c.

[e] The popular reverence for his memory was expressed by the marvels reported to have occurred at the hour of his death. (See an account of them in *M. Paris*, an. 1253, p. 752.) The monks of St. Alban's and their historian had no great reason to regret the demise, or to honour the memory of their censor. No community had suffered more severely under his lash. Yet their common sufferings appear to have healed the breach; and it is from one of themselves that we read an affecting tribute to his memory. This feeling was, indeed, expressed in the form and language of the age: celestial voices proclaimed the translation of the saint from a world of affliction and struggle to the realms of the blessed; and they who had most winced under his reproofs were the first to bear the tidings of his beatification to their wondering and comforted brethren.

[f] The see of Canterbury, in the possession of the Savoyard Boniface; the see of Winchester, in that of the King's uterine brother Ethelmar; and that of Hereford, in that of Peter de Eggeblanc, a simple agent or satellite of the archbishop.

[g] *E. g.* the plundering of the treasury of the church of Durham, upon his return from Scotland, in the year 1255. *M. Paris*, p. 781.

exportation of specie for which no return was received or expected, produced a feeling of depression in the minds of all classes which frequently precedes the more violent outbreaks of popular discontent. Pope Innocent IV. died on the 7th September 1255; and the vain and imbecile King fell into a snare more fatal to the interests of the crown and the nation than any that the united ingenuity of a corrupt court and a foreign priesthood had hitherto contrived. A treaty was set on foot and concluded with pope Alexander IV., through the agency of the creature of the court, Peter de Eggeblanc, bishop of Hereford, for the elevation of Edmund, the younger son of Henry, to the throne of Sicily, as soon as the formidable Manfred of Hohenstauffen should be got rid of. The task, however, was of no easy accomplishment. Money and troops were indispensably necessary; and these were to be supplied by England and the English in one form or other. On the 18th of October 1255, the bearer of the treaty was received by the King with puerile demonstrations of delight. Edmund was saluted king of Sicily and Apulia; and every farthing that could be scraped together on the spur of the moment was deposited in the saddle-bags of the legate, who silently and suddenly decamped with the plunder. But the sum thus procured was as a drop in the ocean of the papal demands. Shortly afterwards, the pontifical lawyer, Rustandus, arrived with a sweeping *non-obstante* bull for the assessment of a tenth upon all the churches of England, Scotland, and Ireland for the service of the Pope and the King in the holy war against the "excommunicated usurper," Manfred.

Mode of raising funds for the service of the new kingdom.

Charmed with the new bauble, the King entered with alacrity into the scheme of the court and pontiff. Rustandus and his helpers, the Minorite friars, traversed the land, preaching unconditional pardon to all who should contribute in person or in money to the overthrow of the "accursed usurper." The papal commissioner was authorised to issue bonds in the names of the religious houses, pledging them, with or without their consent, for the payment

of the sums represented by these instruments. Though the clergy as a body could not be brought to sanction this monstrous imposition,[g] recourse was had to separate solicitation and intimidation. Some of the refractory heads of houses were suspended, others were excommunicated; and the King lay behind to seize the goods and revenues of all who continued forty days under censure. Resistance to this combined assault was speedily abandoned; and the conventual and collegiate churches were in most cases not only compelled to part with their ready-cash, but to pledge their revenues for the support of a war to which they and the public felt the sincerest repugnance. The bonds and obligations thus obtained were assigned to the King; and he bound himself upon these securities to pay over to the Pope the sum of 250,000*l.* sterling.

Such a state of things could hardly fail to call forth certain symptoms of national dissatisfaction. The King's brother, earl Richard of Cornwall, embraced the cause of the plundered churches; he accused the bishop of Hereford and his helpers of grave misdemeanours, and reprobated the infatuation of the King for contracting an enormous additional debt in the face of a deficiency of 350,000 marks sterling, accumulated by and since his last disastrous expedition to Gascony. The few remaining counsellors of the crown who had not shaken off all sympathy with the national cause renounced the King's service.[h] For the present, however, this sense of wrong yielded to the fears inspired by the menaces of the court; and in the absence of any combining principle between the clergy and the laity, the King and the papal commissioner carried on their game without material resistance.[i] The time for the redemption of the extorted bonds speedily arrived; the Siennese and Florentine bankers, by whom large

Infatuation of Henry III.

[g] Two convocations — the first at Michaelmas 1255, the second on the following feast of St. Hilary in 1256 —declined to reply to the demands of the commissioners.

[h] Sir John Gray, and Sewall dean of York, are named by *M. Paris*, p. 786.

[i] The Cistercian convents, which had hitherto escaped the imposts levied upon the more wealthy Benedictine houses, made a temporary stand; but were speedily brought to reason by heavy fines, imprisonment, and other modes of compulsion.

sums had been advanced to the Pope upon the credit of these obligations, clamoured for their money, and Alexander IV. ordered the immediate levy of 2,000 marks of gold upon the churches of England in discharge of these liabilities.[j] Concurrently with these operations, most other modes familiar to the court of Rome and her confederate the King were resorted to for replenishing the empty coffers of both. Though reduced to indigence by his own prodigality, yet the elation of spirit with which the infatuated prince contemplated the family aggrandisement to spring from the elevation of his son bore him high above all considerations of prudence or economy. He permitted no doubt to rest upon the mind of pope Alexander of the capacity of England to satisfy every demand of the war in progress; while the latter rewarded him with a *carte-blanche* to deal at pleasure with the ecclesiastical dignities and revenues of the kingdom, provided always that the lion's share of the plunder flowed into the coffers of the Holy See.

Heavy accumulation of debt; bargain with the Pope, &c.

In the year 1257 Richard earl of Cornwall was elected king of the Romans by a party in the divided empire. The election carried away the enormous sum of 700,000 marks out of the kingdom. This and other causes of exhaustion occasioned so great a dearth of money, that the interest alone of the King's debt to the Pope rose to the sum of 100*l.* sterling a day; and his utter inability to perform his engagements with the Holy See, or even to discharge the interest of his bond-debt, soon became apparent. But pope Alexander was slow to be convinced of the unwelcome fact. In his wrath at the defalcation, he threatened Henry with excommunication and interdict; and the alarmed King was compelled to part with 5,000 marks of his own special plunder to avert the dreaded calamity. The Pope thought fit to be pacified by this peace-offering; but

Richard of Cornwall king of the Romans.

[j] The account of this levy in *M. Paris* (an. 1256, p. 801) is very complicated and obscure. The substance seems to have been as stated in the text.

the precariousness of his expectations from the same source appears by this time to have dawned upon his mind. Yet a scheme which had hitherto been attended with so many advantages was not to be lightly abandoned. In the year 1258 a certain Master Arlot was accredited to the court of England, to press for the immediate liquidation of the sums promised "for the service of the kingdom of Sicily." The treasury, however, was empty, and the last forlorn-hope of redeeming the debt must depend upon the temper of the national parliament. A great council was accordingly convoked; and the papal commissioner laid before the meeting the whole amount of the debt contracted for the purchase of the Sicilian crown, and of the King's liabilities to the Holy See on account of the war against the usurper Manfred. Professing his inability to satisfy so enormous a demand, the King was advised to inform the Pope on behalf of the barons, that they would not object to furnish the means for carrying on the war to the extent of one-half the sum required for the proposed expedition, provided the force destined to operate against the enemy were placed under the sole command of the King; and that certain cautionary towns and forts in the possession of the Holy See were delivered into his custody, together with sufficient hostages for the performance of his engagements on the part of the Pope.[k]

A parliament on the Sicilian question.

Few proposals could have been more unpalatable to the court of Rome than that of submitting to play a subordinate part, or to renounce the advantages of management in an enterprise from which a vast increase of revenue, dominion, and power was anticipated. Too many examples of the danger of committing themselves to the mercy of a foreign prince with arms in his hands must have occurred to the memory of the curia to incline them to listen to so critical a proposal. The Pope rejected the conditions proposed, and the parliament declined to grant a subsidy. Still, neither pontiff nor king were

Conditions of participation &c. proposed, and rejected by the Pope.

[k] *M. Paris*, p. 828.

disposed to throw up their hands. The game that had hitherto proved so productive might be played over again. Alexander IV. rigidly held the King to his bargain, but, at the same time, neglected no expedient in the pontifical repertory to enable him to acquit his engagements. A pardoner arrived in England with full powers to remit all manner of sins for a consideration in cash; and the King was encouraged once more to try his luck with the more wealthy religious communities.[1] But these experiments were attended with very partial success. Henry himself had become indifferent to a project which, but a year or two before, he had hailed with such childish delight. A special envoy was despatched to Rome to propose to the Pope an unreserved renunciation of the crown of Sicily on his part and that of his son, on the ground of the unexpected resistance he had met with from the prelates and clergy of England in collecting the tenths and other revenues conferred upon him by the Holy See: besides this, a sudden insurrection of the Welsh had put the whole military force of the kingdom in requisition to restore the peace on her western frontiers, so that not a man could be spared for the purposes of a foreign war: upon these grounds he implored the Pope to take such steps as should relieve him from the pressure of debt and obligations from which he had derived no benefit.[m]

The King resigns the crown of Sicily for his son.

But although no hope remained of obtaining military aid from England for the prosecution of his wars, pope Alexander IV. insisted upon the punctual performance of all the financial engagements of the King, more especially the discharge of the bonds for which he had made himself liable to the papal bankers and money-lenders. The Pope had carefully secured these obligations by those spiritual penalties most likely to make an impression on the timid spirit of Henry; but now that immediate fulfilment was out of the question,

[1] Such as those of Westminster, Waltham, St. Alban's, and others. The tricks practised by the King's man-of-all-work, Simon de Passilewe, to induce the monks to give bond to the King, are amusing. Conf. *M. Paris*, an. 1258, p. 829.

[m] *Rymer*, Fœd. tom. i. pp. 631, 632.

he condescended to suspend the penalties, and adjourn the liquidation for a term of four months ;[n] the whole compact with the Holy See meantime remaining in full force and effect. The prospects of gain to the papacy from the vassal kingdom were overclouded ; unequivocal symptoms of exhaustion had set in ; yet no thought was entertained by Rome of relaxing her grasp on the wealth of the country or the conscience of the King. But all difficulties and complications were soon removed by events for which neither the Pope nor the court were prepared.

The Barons' war; causes of the outbreak.

The history of the calamitous period in the annals of England known as that of the "Barons' war" connects itself with our narrative in several points. The proximate causes of political changes often lie remote from those which determine their ultimate direction and momentum. This appears to have been the case in the crisis in the affairs of England which happened in the years 1257 and 1258. In both years the harvests had failed, and a more grievous famine than any that had occurred within the memory of man desolated the land.[o] Thousands upon thousands perished, till in many places none were left to till the ground. In the latter of these calamitous years the ground was covered with snow till the end of March ; the food for men and cattle was exhausted ; the spring-seeds could not be sown ; and the prospect of the year promised no alleviation of the sufferings already endured.[p] The dearth of money in the kingdom, resulting from the export of specie to satisfy the craving of foreign priests, kept pace with the dearth of food. An expedition against the Welsh mountaineers had come to a miserable end ; and the King was at his wits' end for the means of supporting his court and for defraying the ordinary expenses of government. His conscience meanwhile was tortured by a superstitious apprehension of the anathema

[n] From the 24th December 1257 to the 12th May 1258. *Rymer*, tom. i. p. 643.

[o] The price of grain rose from two shillings the quarter to 20 shillings.

[p] *M. Paris*, p. 826. Conf. *Pauli's* eloquent description of this terrible visitation, Gesch. Eng. vol. iii. p. 714.

which the Pope, for his own purposes, held suspended over his head. Amid this complication of distresses he was driven to his parliament for relief. The barons, mortified by the incapacity of the King, and scandalised by the wasteful expenditure incurred in the pursuit of a scheme to which their consent had never been asked, were in no humour to put up any longer with their exclusion from the King's councils in favour of the bevy of foreign adventurers and sycophants by whom the offices of state had been monopolised and the revenues of the kingdom absorbed. They condemned the Sicilian treaty without a dissentient voice; they reprobated the introduction of papal tax-gatherers into the country, and refused further supplies till these grievances were redressed. A searching investigation into the state of the nation was delegated to a committee of twenty-four barons of parliament.[q]

Parliament of Oxford.

The committee[r] met at London, and agreed upon certain articles or provisions to be laid before a parliament to be holden at Oxford; they recommended the immediate dismissal of the actual ministers and office-bearers of the crown, especially of the chief justiciary, the lord-treasurer, and the keeper of the great seal; the removal of foreign castellans, or governors of the king's castles; and lastly, the holding of triennial parliaments in order to afford more frequent opportunities of ascertaining the opinion of the lawful advisers of the crown, and obtaining the consent of the body of the community to all such measures as, upon a careful reference to the provisions of the Great Charter, might require such consent. The committee further recommended that all persons who should infringe any of these "provisions" should be deemed and treated as public enemies.[s] These articles were adopted by the

[q] *Rymer*, tom. i. pp. 654, 655. The submission of the King is dated on the 2d of May 1258.

[r] Described as "proceres et fideles regni."

[s] *Wykes* (Chron. an. 1258, ap. *Gale*, iii. p. 52) is indignant at this clause, and declares it to have been the occasion of the civil war which followed. As to the character of this celebrated parliament, conf. *Lord Redesdale's* "Report on the Dignity of a Peer," vol. i. pp. 100, 102.

parliament, and became afterwards known as the *Provisions of Oxford.* The helpless and dejected King accepted the terms proposed without demur, and once more solemnly pledged his oath to maintain the ancient constitution of the kingdom as settled and declared by the Great Charter, with the new securities introduced by the provisions of Oxford. *Provisions of Oxford.*

In virtue of these resolutions a clean sweep was made of the foreign hangers-on of the court.[t] The Queen with her creatures, her own uncles and the uterine brothers of the King, were banished the kingdom; but the triumph of the barons was incomplete as long as the custody of the king's castles remained in the hands of the court nominees. Simon de Montfort, earl of Leicester,[u] was the soul of the movement; the King was his instrument—perhaps, more properly, his prisoner. An order under the royal signature was addressed to the constables, commanding them to deliver up their charge to the persons appointed to supersede them; and all who should refuse compliance were declared outlaws and public enemies. In the month of September following, a royal patent, or proclamation, was issued, reciting all the new regulations for the government of the country.[v] The subjects were informed that thenceforward all edicts published by the committee of government appointed by the parliament *should have the force of law*, and that all transgressors would be deemed traitors, and suffer the punishment of treason. All the sufferers by the late misgovernment—probably the whole Saxon population—hailed these rash innovations with delight. The bishops and a small royalist party among the laity hung back. The former, though in an undertone, seconded the vociferations of the canonists

Purport of the provisions.

Impression produced upon the people.

[t] *Wykes* names principally William of Valence, bishop-elect of Winchester; Godfrey and Guy de Lusignan; the King's uterine brothers, with Peter of Savoy, the Queen's uncle; "and," he adds, "all and singular the members of the King's court and family, from the least to the greatest, were driven out of the kingdom."

[u] The son of the great scourge of the Albigenses. *Cath. Pet.* Book xiii. c. vii. p. 535.

[v] It was drawn up both in French and Anglo-Saxon, in order that no one should plead ignorance.

and advocates of despotic power. But all classes of the clergy were well pleased with an ordinance of the council which strictly prohibited the carrying of ecclesiastical revenues out of the kingdom.

Character and effect of the provisions of Oxford.

The provisions of Oxford divested the crown of its most ancient and most conservative prerogative. Henry III. was no longer at liberty to choose his own advisers; he was, in fact, a prisoner in the hands of his barons and their leader. The powers yielded to him were simply administrative, and liable to the constant interference of an independent ministry; substituting in effect for the favouritism of the court that of a narrow and impracticable body of haughty aristocrats. It should, however, be remarked that throughout the struggle the barons were compelled to support themselves upon the public opinion, and the well-known wishes of all classes. It is not, indeed, easy to conceive by what other mode of action the conspiracy of Pope and King against the liberties of the people could be encountered. Though we may deem the provisions of Oxford not easily reconcilable with any form of polity known to the age of which we write, yet we are indebted to the barons of Henry III. for a virtual, if not a legislative, recognition of that popular element, which, if it did not wholly repress, at least imposed some check upon, the irregularities of governments, and in particular upon the extortions of papal agents and collectors which rendered the reign of Henry III. a byeword of contempt and reprobation to all ages.

Grievances of the barons,

There is a tiresome monotony in the details of papal extortion practised in this country prior to the political changes of 1257. Within the six years and a half of the pontificate of Alexander IV. four different commissioners arrived from Rome, furnished with blank bulls to be filled up at discretion,[w] and containing pardons for every kind of crime.[x] The numerous establishments of the Mendicant orders in the most considerable towns, especially in the universities, facilitated

[w] These commissioners—Arlot, Rustandus, Mansuetus, and Bernard de Nympha—were all Franciscan friars.

[x] *M. Paris*, pp. 830, 836.

the operations of the commissioners. The inquiries of the barons brought to light many of the occult devices of the Roman agents, and disclosed other, perhaps not less prolific, sources of mischief to the people, and gain to King and Pope; more particularly those which arose out of the quarrelsome and litigious dispositions of the monastic orders among one another, and between them and the bishops. Such disputes uniformly ended in expensive, and often fruitless appeals to Rome, whereby as large sums were carried out of the country as by the direct extortions of King or curia.[y] Most of these abuses were enumerated in a joint memorial of the new government addressed to pope Alexander IV. The barons petitioned for an extension of the term for the redemption of the King's debt to the Holy See, on the ground that any assistance he might be enabled to render in the wars of the Pope must depend upon the restoration of order and good government in the country. They had, they said, never consented to, nor even known, the amount of the obligations he had incurred by the purchase of the Sicilian crown for his son; and they excused the banishment of the foreign ministers and clergy—more especially that of the bishop of Winchester—by a long list of the enormities committed by these persons, whereby the whole commonwealth had been thrown into unspeakable confusion and distress.[z] The memorial concluded by a strong expression of the determination of the barons never to consent to the readmission of the delinquents into the kingdom.

and memorial to the Pope.

Alexander IV. pursued a wise course in passing over this galling contempt of his sovereign authority without any severity of reproof. His viceroy the King was a prisoner in the hands of the petitioners; all his most powerful friends and agents were living in exile; and it was manifest that, in such a state of things, any violent action on his part was more likely to damage than to improve his prospects

Wise policy of Alexander IV.

[y] *M. Paris*, pp. 817, 820. and Addit. p. 1132.
[z] *Rymer*, i. p. 666; *M. Paris*, p. 838,

of gain from his English subjects. In reply to the memorialists he simply remarked, that surely the grievances alleged were too highly coloured; and even if true, that they afforded no justification of the indiscreet proceedings of the barons.[a] Alexander had in truth better grounds of confidence than appeared upon the surface of affairs. The chapter of accidents was in his favour; the natural resentments of the King, the secret correspondence he was enabled to maintain with the court through his trusty emissaries the friars, and the elements of dissolution, which were already fermenting in the new government, could leave little doubt on his mind that the crisis might be allowed to pass over without any fatal blow to the papal influence in the kingdom.

Incipient schism among the barons.

In the year 1259 the emperor-elect, Richard of Cornwall, returned to England. The council admitted him with reluctance, and imposed on him an oath to abide by the provisions of Oxford, and to give his best aid in purging the kingdom of all disturbers of the established government. But Richard had expended every shilling of the vast treasure he had carried abroad with him, and his attention was averted from every other pursuit but that of collecting funds to satisfy the cravings of a venal constituency.[b] No danger was to be apprehended from that quarter; but the attention of Simon de Montfort had been much taken up by his foreign policy; more especially in regard to the relations with Louis IX. of France. He had in person negotiated a truce for nine years with that monarch; but during his absence from the kingdom, Henry felt himself in a more unconstrained position, and even obtained permission of the council to follow the earl of Leicester to the court of France. He had, in fact, come to a friendly understanding with a party in the council of twenty-four, deeply offended at the arbitrary demeanour of Simon de Montfort, whom they, perhaps justly, suspected of a design to usurp the crown.

[a] *M. Paris*, Add. p. 1138; *Rymer*, i., as quoted by *Pauli*, iii. p. 720, under date of the 18th May 1238.

[b] Conf. chap. iii. p. 90 of this vol.

With their support the King, towards the close of the year 1260, was enabled to assume a more independent attitude; he fortified and garrisoned the Tower of London, and issued from thence a summons to a new parliament, to be holden at Winchester on the 12th of June in the following year. Here he boldly met the estates of the kingdom with a bull, under the seal of Alexander IV., discharging him and all the parties to the provisions of Oxford from their oaths;[c] yet with a reservation of those articles in that instrument which might be deemed conducive to the general welfare of the kingdom, and were not inconsistent with papal or ecclesiastical ordinance.[d]

Effects of the schism.

It is obvious that the exception was nugatory; and so it was treated by the King. The council of government was abolished; the ministers and functionaries appointed by the barons were dismissed, their sheriffs discharged, and every impediment to absolutism got rid of—as far as the authority of the King and his party extended. The independent movement of Henry, however, served no other end than to bring the ulcer which had been so long gathering to a head. The King hired a body of foreign troops to await his orders on the opposite shores of the Channel; the barons collected their armed followers: the death of Alexander IV.[e] placed Urban IV. on the papal throne; and the new Pope, without delay, gratified the King by an unqualified absolution from all his engagements to the late government. After some futile negotiations, in the course of which the intervention of the king and queen of France was invoked by both parties without effect, the barons drew to a head at Oxford, under the command of Simon de Montfort. Destitute as he was of any available means of defence, Henry bent once more to the yoke, and signified his intention to abide by and maintain the provisions of Oxford. But at this crisis prince Edward arrived in England with a body of foreign troops; the

Absolution of the King, and dissolution of the government.

[c] The bull is dated the 29th April 1261. *Rymer*, i. p. 722.

[d] The bull containing this qualification is dated on the 7th of May in the same year. *Rymer*, ibid.

[e] On the 25th May 1261.

mercenaries collected at Witsand on the Flemish coast were at hand; the Queen and her host of bloodsuckers had returned to England — among them archbishop Boniface of Canterbury and the brothers of the King. Thus encouraged and supported, Henry returned an evasive answer to the demand of the barons for certain specific pledges to abide by his late promises. It was manifest that no reliance could be placed upon any assurance of the fickle and faithless prince. The court-bishops and sheriffs were ruthlessly hunted out and banished the land. At that moment the citizens of London declared in favour of the barons; the Tower of London and the castle of Dover surrendered; the heart of Henry once more sunk within him, and he again appended his signature—for what it was worth—to the provisions of Oxford. But in the mean time numerous defections from their opponents had strengthened the King's party; and the earl of Leicester incautiously assented to the proposal of his adversaries to refer the differences between the King and his barons to the final arbitrament of king Louis IX. of France. The latter accepted the reference, and speedily issued his award in favour of Henry, altogether annulling the provisions of Oxford, principally on the ground that "the supreme pontiff had by his letters declared them wholly void and of non effect."[f]

Reference of differences to Louis IX. of France.

The open partiality and injustice of this decision sufficed to disengage the injured party from all obligation under it.[g] All parties felt that such an award had no moral support; and the apparent success of the King resembled rather a defeat than a triumph. But however strongly inclined to sustain by his influence the absolute power of the crown inculcated by the canonists, there is reason to believe that the decision of Louis IX. was closely connected with an intrigue

His award nugatory.

[f] *Rymer*, i. pp. 776, 778. The award was published in the month of January 1264.

[g] Even the royalist *Wykes* condemns the award. "Porro rex Francorum . . . forte minus sapienter et inutiliter quam deceret, eructatione siquidem improvisa, suum præcipitavit arbitrium." *Wykes*, ap. *Gale*, iii. p. 56.

of the king and the sister queens of France and England to promote the policy of Urban IV. in Italy. To this intent it had become necessary to procure the renunciation of the crown of Sicily on the part of prince Edmund of England, with a view to its transfer to the prince Charles of Anjou (the brother of Louis) and his ambitious consort, the sister of the queens of France and England. A preliminary step to that end was the solemn excommunication of Simon de Montfort and the rebellious barons, and the abrogation of the obnoxious provisions of Oxford. At the same time, pressing letters were written to king Louis IX. to interpose his authority to put an end to the unnatural rebellion in England, while queen Margaret of France was exhorted to urge her husband to bestir himself in favour of her sister and brother-in-law of England. Louis, indeed, declined armed intervention, but accepted a bull appointing him on behalf of the Holy See to the office of mediator between the King and his barons. The award which followed seemed to flow naturally from the pressure brought to bear upon the conscience, the prejudices, and the family attachments of the pious king.[h] The Pope now stood forward personally as the accuser of Simon de Montfort and his friends; he thanked Louis IX. for his decision; and again cursed the provisions of Oxford, and all who should accept or act under them.[i] With the prospect of restoration to power before him, the king of England willingly renounced the dream of family aggrandisement, and, as far as in him lay, placed the crown of Sicily at the disposal of the Pope. The cardinal Guido, bishop of Sabina, was sent as special legate to England, with instructions to lay the commands of the Holy See upon the consciences of the barons, and to publish a crusade against all who should resist the hallowed authority of the anointed sovereign.[j]

Intrigue of the sister queens.

[h] *Raynaldus* (an. 1263, § 83, p. 127) quotes the bull of appointment in full.

[i] *Rymer*, i. p. 785, under date of the 21st March 1264; *Rayn.* an. 1264, § 32, p. 142.

[j] *Rymer*, ubi sup.; *Rayn.* an. 1264, § 86, p. 129, from the work of *Matthew of Westminster*.

Necessity of an appeal to the sword.

It had by this time become plain that the differences between the crown and the barons of England could be decided no otherwise than by the sword. The breath of Rome had scattered charters, rights, and liberties to the winds: the camp had become the last asylum of outraged law, and the sword the only arbiter of right and justice. Impure and precarious as such a tribunal must always be, it was the last and only refuge from the intolerable evils brought on the country under the encouragement and patronage of the Church of Rome, and in the punctual execution of the precepts and maxims of Innocent III.[k] With instructions such as those before them, his successors had no other course to pursue. Civil, political, religious liberty, in their view, involved a contradiction in terms: no right or franchise that came into collision with the will or the interests of the representative of the Almighty could be admitted. The issue between the outer world and the papacy had been once for all fairly joined, and the decision made to depend on an unholy alliance with the vilest passions which disgrace human nature.[l] During the three following centuries, the bold protest of the Albigenses had died away into a sullen murmur; yet audible enough to put in requisition all the arts and intelligence of Rome to maintain the ground on which she had taken her stand. The relation between the temporal and the spiritual powers was obscured by superstition and ignorance, and rendered still more perplexing by the vices of the age, and the apparently insuperable difficulty of finding a remedy for all the evils incident to the imperfection of laws and a demoralised social condition. The only understanding which seems, by this time, to have been practically arrived at was, that the Church should uphold the divine right of kings, and that the latter should promote her financial interests, in consideration of such advantages as she might be able, from time to time, to throw into their hands—it might not perhaps be too much to say, of an ample share in the plunder of their subjects.

[k] Conf. chap. i. pp. 3-6 of this vol.

[l] Conf. *Cath. Pet.* Book xiii. c. vii. pp. 518-556.

The history of the barons' war in England during the reign of Henry III. is too familiar to English readers to require any detailed narrative on our part. Prince Edward, afterwards king Edward I., struck the first blow on the Welsh frontier, and obtained an important advantage by the subsequent capture of the town of Northampton, where a son of Simon de Montfort with a large detachment of his forces became the King's prisoners. The citizens of London, however, had declared boisterously in favour of the earl; and the King, anxious to avenge the outrages committed by the populace upon the property and persons of his friends and adherents, but more especially to secure the fidelity of the Cinq Ports, marched hastily into Kent, and took up a position at a village not far from the town of Lewes. Here he was confronted by Simon with all the force he could collect, and in the battle which ensued the royal army sustained a total defeat.[m] The King, with his brother Richard king of the Romans, Henry the son of the latter, and the most distinguished barons of his party, became prisoners. Prince Edward, though victorious on his part of the field, was compelled to surrender after the battle, and, in company with the King and the other captives, to sign certain articles for further assurance of the fruits of the great victory, called the "Mise of Lewes."

Outbreak of the barons' war.

Battle of Lewes.

Notwithstanding his great successes Simon de Montfort was anxious to come to an understanding with the captive court; and, with that view, to engage the good offices of the monarch of France. Relying upon the character of Louis IX. for moderation and justice, he despatched an embassy of three bishops to the court of France, to lay the whole series of events that had led to the rupture with his sovereign before the King, and to solicit his intervention to restore tranquillity and secure the chartered liberties of the people. But the right reverend envoys were stopped short at Boulogne by the orders of the Queen and the cardinal-legate Guido, and sent back to Dover

Dismissal of Simon's envoys.

[m] On the morning of the 14th of May, A.D. 1264.

with a bull of excommunication in their hands, and a peremptory command to publish it throughout the kingdom. On their arrival, however, they were relieved of the mischievous document by the vigilance of the officers of the regent,[n] and were thereby provided with a tenable excuse for noncompliance with the orders of their ecclesiastical superior.

Whatever may have been the personal views of Simon de Montfort,[o] the measures he adopted during his short career were suited to the temper and disposition of the people, and most likely to furnish a security against the encroachments of King or Pope. On the 14th and 24th of December 1264, writs of summons were issued in the name of the King to the peers temporal and spiritual and barons of the kingdom to a parliament to meet at London on the 20th of January following. Similar writs were directed to the sheriffs of the counties, *to send to the parliament two knights for each county, and two approved citizens for each city, borough, or town within their respective bailiwicks.* When assembled, this parliament presented the nearest approach to a proper national representation that had as yet occurred in the history of England. No precaution had been omitted to impart to its deliberations an air of impartiality and justice. Notices were given and safe-conducts promised to the exiled partisans of the court to attend and receive judgment. The King granted an unconditional pardon to the barons and all who had appeared in arms against him. In the contumacious absence of the exiles sentence of banishment from the realm was pronounced against them. Prince Edward engaged not to quit the country for the space of three years, nor to choose his advisers otherwise than with the consent of the council; five of the royal castles were surrendered to the barons as pledges for their personal security; and lastly, the Great Charter was reënacted with all the forms of the

Parliament of 1264.

Growth of a national representation.

[n] September 1264.

[o] He was strongly suspected by his contemporaries of a desire to perpetuate his own power—if not to usurp a still more lofty position in the state.

greater excommunication, and a solemn oath was taken by the King, the princes, and their adherents, that *they would at no time, nor under any circumstances, apply to the Pope for a dispensation from their oaths.* These enactments were signed in token of confirmation by all in attendance; more particularly by the King and the prince; by Richard king of the Romans, and his son Henry; by the bishops, abbots, priors, the military orders, and the mayor and citizens of London. On the same day the Great Charter of liberties was read before the concourse of the realm in the great hall of Rufus at Westminster; after which nine bishops pronounced, with reversed tapers, sentence of excommunication and anathema against all men, *of every rank and degree*, who should, in any particular, infringe the provisions of that instrument.

Secessions from the party of the barons.

Though the power of Simon de Montfort rested upon a precarious basis, his services to the commonwealth were not narrowed to his life or fortunes. Though often set at naught in practice, the Great Charter and the provisions of Oxford, with all their defects, stood for ever recorded upon the statute-book of the realm, in defiance of, and amid the echo of the thunders of Rome. The principle of popular representation was initiated, and a standard of resistance to domestic tyranny and priestly ambition set up in the minds and affections of the people. Simon de Montfort had done his work, and, up to this point in his career, he had done it well. Whether the suspicions of his party were well or ill founded, it is probable that his haughty self-reliant spirit and arbitrary mode of dealing with his associates in power tended to create or confirm their misgivings as to his ultimate purpose. The chief of these, Gilbert de Clare earl of Gloucester, and the earl of Derby, seceded from him. Prince Edward withdrew from the court, and was joined on the Welsh marches by the faithful adherent of the crown, Roger Mortimer. The exiled earl Warrenne and William de Valence, the Queen's uncle, landed in Pembrokeshire with 120 men-at-arms. The seceders from the regent's

party speedily came to an understanding with the royalists; reinforcements arrived from Ireland; De Montfort's force dwindled to a handful; with these the undaunted chief advanced to meet the overpowering numbers of his enemies; his retreat was cut off, and he was brought to bay at the abbey of Evesham in Worcestershire, where no alternative remained to him but to sell his life as dearly as he could. In the desperate conflict which ensued, he and the small company of faithful followers perished to a man. The King was set at liberty, and the adherents of the late government were pursued with unrelenting animosity. But the people carefully collected the dismembered limbs of the patriotic chief; and their gratitude and affection was, after the manner of the age, expressed by endowing the relics of their benefactor with the wonder-working powers imputed to those of the popular saints of the country.

Defeat and death of Simon de Montfort.

While Simon de Montfort lived, no papal legate was permitted to set foot on English ground. The robberies of Roman proctors and court favourites were put an end to. He defended the rights of the parochial clergy against the extortions of the intrusive incumbents; and every act of his government indicated a resolution to permit no revival of the abuses which had weighed so grievously on all descriptions of men. His death once more dispersed the mist which obscured the prospects of the court of Rome. The King hastened to cancel every act of the government subsequent to the battle of Lewes, and he and his followers revelled in the spoils of the insurgent partisans and chiefs. Queen Isabella landed in England, bringing in her train the papal legate, cardinal Ottoboni, to whom pope Clement IV. had delegated the necessary powers to absolve the King and his friends from all oaths or engagements to the parliaments of Oxford and London and the intrusive government. The neglect of the bishops of London, Chichester, and Exeter to publish the excommunications intrusted to them by the reigning Pope, when residing as legate at Boulogne,

The King absolved from his late oaths, &c.

was visited by suspension from their functions ; and the King was officially disencumbered of every obligation that could at all derogate from his utility as an active viceroy and tax-collector of the Holy See.

But Simon de Montfort had not sealed his testimony against the practices of the court and the curia in vain. The proximate cause of the ruin of his party is to be found in the defection of the earl of Gloucester. But a large party, driven out of house and home to make way for the host of greedy courtiers, still held the strong castle of Kenilworth ; and when expelled by prince Edward, had taken refuge in the marshes of the Isle of Ely, where, under Simon, the gallant son of the late regent, they defied the royal armies. Gilbert de Clare, whose secession from the party of the barons may be ascribed to a profound jealousy of the designs of the late chief of the insurgents, and with him many influential nobles, were disgusted by the rapacity of the King's friends, and the merciless severities inflicted on their adversaries for the benefit of the host of bloodsuckers who had swarmed into the country in the train of queen Eleanor. The power of the earl and his friends, however, was not to be trifled with ; and a parliament was convoked at Northampton, under the sanction of the legate Ottoboni, at which the Great Charter was once more reënacted and confirmed by the King and the estates of the kingdom, and the forfeitures of the defeated insurgents commuted for fines varying from one to five years' reputed income.

Discontent of the seceders from the barons' party.

The King's friends, who had taken the reward of their fidelity in the shape of an exorbitant share in the spoils of the vanquished, were inexpiably offended by the compromise of Northampton. The deadly enmity of the earl marcher Roger Mortimer had driven Gilbert de Clare from the court, and compelled him to resort to arms for the defence of his life and honour. Cardinal Ottoboni plainly perceived that, as long as the kingdom continued to be distracted and the King impoverished by civil wars, there was

Parliament of Bury St. Edmund's.

little chance of accomplishing the real object of his mission. The debt contracted upon the security of the King's outstanding bonds to the Florentine and Siennese money-lenders weighed heavily upon the papal court. The legate had, indeed, obtained from the clergy assembled at Northampton a provisional undertaking to raise a sum of 30,000 marks for the liquidation of the debt; and a further sum of 11,000 marks for the heavy arrears of costs contracted by the clergy of England to the officials of the curia in soliciting relief from the burdens cast upon them by the King and the Holy See. But the undertaking appears to have been contracted subject to the consent of a general parliament; and, at the suggestion of the legate, writs of summons were issued to the adherents of all parties to meet at Bury St. Edmund's in the second week of February 1267. The earl of Gloucester declined attendance; he must, he said, stay at home to defend himself and his estates against his deadly foe, Roger Mortimer: "besides," he urged, "no dependence could be placed upon the promises of the court as long as the provisions of Oxford were set at naught; nor till all the officials, ministers, and parasites of the King were dismissed, the attainted barons reinstated in their property and honours, and the King and the prince should prove their sincerity by a loyal fulfilment of the oaths they had sworn both before and since the battle of Evesham."[p]

Replies of the parliament to the demands of the King and the legate.

The result of this protest, in which no doubt a majority of the constituents of the parliament of Bury St. Edmund's fully sympathised, was a frank refusal of all the extraordinary supplies demanded by the legate: they knew nothing, they said, of the King's debt to the Pope: the wars which had so lately desolated the country were wholly attributable to the unbounded cupidity of the popes and the court of Rome: they declined any longer to be made the passive instruments for supplying king and pontiff with money, to be wasted by prodigality at

[p] *Contin. M. Paris*, an. 1267, p. 858.

home, or carried out of the country to feed the craving of foreigners, favourites, and courtiers; the mode of levying the proposed subsidies was condemned with unsparing severity:[q] and all these objections they grounded upon the broad principle *that all subsidies granted to King or Pope must be expended for the benefit of the tax-payers, and could in no case be applied for the promotion of private or personal interests.*[r]

Reply of the insurgents to the summons of the legate.

Meanwhile the compromise proposed to the insurgents who still held out in the fens of Cambridge and Norfolk was rejected by them with equal firmness and justice: they flatly denied the efficacy of the spiritual censures passed on them by the legate: they declared their resolution no longer to submit to the cupidity of the Roman officials: the fines for the redemption of their estates were, they affirmed, in most cases, equivalent to forfeiture: they therefore demanded the unconditional restitution of their property, and the abolition of all those flagrant abuses under which the kingdom had been reduced to a state of unexampled weakness and exhaustion: they claimed protection for the churches and convents against the extortions which had rendered them wholly incapable of satisfying the spiritual wants of the people; and to that end they demanded the exclusion of all foreign beneficiaries and incumbents, and the absolute prohibition of the exportation of money, which *ought to be expended for the benefit of the tax-payers*, instead of contributing to pamper the luxury or promote the ambition of foreign priests:[s] they condemned the treatment of the bishops of their party by the legate: and closed their protest by expressing their unalterable resolution to abide by the oaths they had taken, and no longer to tolerate the levies of tenths or any other of those imposts and intrusions by which the parishes were deprived of their legitimate pastors, and delivered over to

[q] The levy was proposed to be made by the King's officers upon a valuation of benefices, &c. to be fixed by themselves: the barons declared that such assessment was wholly inadmissible, and that they would in no case submit to any changes of the customary valuations.

[r] *Contin. M. Paris*, an. 1267, p. 858.

[s] This principle runs through the protests of the national party, whether loyal or insurgent.

any hedge-priests and hirelings who could be found to do the duty at the cheapest rate.

Concluding operations of the legate Ottoboni.

Though the gallant earl of Leicester and his brave companions were ultimately dislodged by the skill and prowess of prince Edward, the necessities of the King and legate were so aggravated by the protracted civil war, both in the eastern and western provinces—but perhaps as much so by the prodigalities of queen Eleanor—that no prospect remained of enabling the King to redeem his promise to the Holy See, but such a general pacification as should reopen the sources of national prosperity. The legate began, indeed, by extending the concession of the tenths of the ecclesiastical revenues to the King for a further term of three years; but in order to give effect to the grant, the restoration of peace was indispensable. Following instructions from Rome, he successfully interposed his good offices to conclude a truce with the Welsh princes, and to bring about a reconciliation between the court and the earl of Gloucester. In the month of April 1268, he presided at a general convocation of the clergy of England, Ireland, Scotland, and Wales in the church of St. Paul at London; and consented to the appointment of a committee to inquire into and put a stop to the irregularities of the intrusive clergy, and to take other steps for the reformation of the more crying abuses complained of; and closed his mission to England by distributing the emblem of the cross to the princes Edward and Henry of Cornwall, the earls of Gloucester and Warrenne, and William of Valence, and about 120 knights; forming together a formidable addition to the forces collected by king Louis the Saint for the deliverance of the holy sepulchre.[t]

Observations on the reign of Henry III.

The closing years of the reign of Henry III. of England present few incidents of importance to the subject of our narrative. We are told, indeed, that, notwithstanding the efforts of the legate to restore a semblance of order to the affairs of the

[t] Ottoboni quitted England about the 4th of July 1268. *Wykes*, ap. *Gale*, iii. pp. 85, 86.

English church, things were soon allowed to fall back into their original confusion. In fact, all that can be predicated of the period is, that a stand had been made; that a principle of government in church and state had been affirmed which could not be blotted out of the memory of the people; a standard of national liberty had been planted which all the powers of misrule—and they were as busily at work as the other elements of evil in the nature of man—could not tear down. We have dwelt at greater length upon the history of sacerdotal rule in these islands than we have done in treating that of Germany and France, because no stronger illustration of the practical operation of the scheme elaborated by Innocent III. can be found than in the management of his spiritual satrapy of England. But in the result the resistance in this country took its stand upon the same ground as that adopted by the emperor Frederic II.: both contended for the supremacy of law and reason over the arbitrary maxims of sacerdotal government; both repelled the right of the Pope to take their wealth, and deprive them of their religious privileges, for the support of the ambitious views of a lawless priesthood. There are indications that this political protest was encouraged by an under-current of religious dissent which, even within this dark period, was gnawing at the vitals of the theocracy. It was not in vain that the honest and pious bishop Grossetête had dared to tie down the chief of his church to the precepts of law and gospel, and to stigmatise the great transgressor as the precursor of Antichrist. It was not in vain that a great body among the laity had ventured to defy the pontifical thunders when hurled against the bulwarks of law, reason, and national rights. There is scarcely a proposition in the theory of Lothario de Segni[u] which had not met either with a verbal or a practical contradiction in the central and western regions of Europe. The Provençal and Flemish bards[v] had raised their voices against the "Antichrist of Rome;" and it can hardly be doubted that their invectives were either suggested or nourished

[u] Conf. chap. i. of this vol.

[v] Conf. chap. iv. pp. 139-141 of this vol.

by the hoarse whisperings of the persecuted remnants of the Albigensian and Waldensian Protestants still lurking in many a secluded corner of France, Italy, Switzerland, and Germany. But time alone can bring great principles of government to maturity in the mind of nations. The systematic alliance of monarchical and sacerdotal absolutism could not be encountered by any force less potent than that of an organised alliance between religion and liberty—between government and natural right. But for the present the hearts and understandings of men were debauched by a thousand interests, passions, and apprehensions, which involved them in a labyrinth of hopes, fears, and perplexities, out of which no issue could be found but through a long apprenticeship of mysterious sufferings and tedious experiences.

Death of Henry III.

Henry III. died on the 16th of November 1272, at the age of sixty-five, after a nominal reign of fifty-seven years and twenty days. This king was a religious formalist, in whose mind duty to God and his own subjects stood in no connection with each other.[w] No oath, promise, or engagement—no practical duty—was binding on him as long as the papal absolution was at hand to relieve him from any such merely secular obligations. As long as the outward forms of religion were complied with, his conscience was clear of offence. He attended mass three times a day, collected relics, and wearied himself and others with observances which brought forth none of the visible fruits of a useful and religious life. Throughout his reign he bore himself in word and deed as the subject of Rome; a subject whose obedience was only limited by his means of complying with the commands of his superior. The latter, indeed, soon discovered that it was inexpedient to "muzzle the ox that treadeth out the corn:" it was thought unreasonable to expect that the King, any more than the meanest tithe- or tax-collector of Rome, would work without pay. King and Pope could help each other for the relief of their several wants, or the promotion of their respective

[w] *M. Paris*, Contin. p. 860.

views; and a tacit understanding, stronger than any express contract, grew up between the crown and the court of Rome—of which the following reign will be found to exhibit several striking instances.[x] It is true that the high-spirited successors of Henry III. repelled with indignation even a nominal vassalage resembling that to which their pusillanimous ancestor had subjected the kingdom; but neither law nor statute could extinguish that hankering after the forbidden fruits of the papal connection which had hitherto proved so fatal to the prosperity of the country, and so hostile to the liberties of the subject.

[x] More especially those of Edward III. and Richard II. See the writer's "Position and Prospects of the Protestant Churches of England and Ireland, &c." pp. 72-75.

CHAPTER VI.

PERIOD FROM THE DEATH OF CLEMENT IV. TO THE REMOVAL OF THE PAPACY TO AVIGNON.

Part I. to the Accession of Boniface VIII.

The period: its general character; its length—Relation of the Italian States, &c. to the Empire—Radical defect in the hierarchical constitution—State of the Republics of Venice, Pisa, and Genoa—Romagna, Tuscany, and Naples—Election of Gregory X.—Plan of Gregory X. for the pacification of Italy—Alliance between Rome and Charles I. of Naples—Gregory X. against party symbols and designations—his projects for the subjugation of the Oriental churches—He proposes a general council for that purpose—Advantageous position of Gregory X.—He accepts the submission of the Emperor Michael Palæologus of Constantinople—Ostensible views of the Greek and Latin churches—Relative positions of the papacy and the Eastern empire—Policy of Michael Palæologus—Gregory X. a reformer; *decree of the conclave*—Relation of the papacy to the Germanic empire under Gregory X.—Gregory X. in Spain and Germany—Conference and treaty between Gregory X. and the Emperor Rudolph of Habsburg—Derogatory concessions of Rudolph of Habsburg—Effect of the cessions of Rudolph—Prospects of the proposed crusade, and death of Gregory X.—Selfish practices of the cardinals, and rapid succession of popes—Innocent V.—Adrian V.—John XXI.—The court of Rome and the crusade—Evanescent prospects of the new crusade—Death of John XXI.; vacancy, and compulsory election or Nicolas III.—Nicolas III. and the court of Constantinople—Insincerity and suspicions of both courts—Objection of Rudolph of Habsburg to papal interference, &c.—The papacy a military power—Reconciliation of Rudolph and Charles I. of Naples—Death of Nicolas III.; his character—Interregnum, and election of Martin IV.—Charles I. of Naples procures the publication of a new crusade against the Greeks, &c.—Giovanni di Procida and the court of Aragon—The Sicilian conspiracy—Giovanni di Procida at Constantinople—Giovanni and Pope Nicolas III.—Growth and maturity of the conspiracy—The Sicilian vespers—Political consequences—Difficulties of Martin IV.—The challenge—Martin IV. prohibits the duel—He curses and deposes king Peter of Aragon—Offers the crowns of Aragon and Valentia to a son of Philip III. of France—Financial embarrassments of the Holy See—The intended duel frustrated—Victory of Roger di Loria and the Aragonese—Destitution of Charles I. of Naples—Death of Charles I.—and of pope Martin IV.—Election of Honorius IV.—Death of king Philip III. of France—Difficulties and reforms of Honorius IV.—Honorius IV. and the Sicilian rebels—Edward I. of England mediates a peace between the kings of France and Aragon—The pope abrogates the treaty and absolves Charles II. from its obligations—Death of

Honorius IV.—Interregnum—Election of Nicolas IV.—Sicilian and Spanish affairs—England and the papacy in 1291—Loss of Palestine—Papal agitation for the reconquest of the Holy Land—Pope Nicolas IV. and Edward I. of England—Nepotism and corruption of Nicolas IV.—Death of Nicolas IV.—Long Interregnum—Compromise and election of Pietro Murone (Cœlestine V.)—His incompetency—King Jayme betrays his Sicilian subjects—Triumph of the French party—Benedict Gaetano and Cœlestine V.—Abdication of Cœlestine V., and election of Benedict Gaetano as Boniface VIII.

The period—its general character.

THE extinction of the Hohenstauffen dynasty in the blood of the last male descendant of that distinguished race was the crowning triumph[a] of the policy of Innocent III. By the prompt adoption and undeviating application of the principles of theocratic government, elaborated by that pontiff, Rome acquired and exercised an overbearing political influence throughout the Latin world. This culminating period of the sacerdotal empire runs through a series of thirteen pontificates, until a man arose whose frantic energies, disdaining alike the caution of his predecessors and the dictates of common prudence, stimulated the hitherto inert and fitful resistance of the secular governments into active antagonism; and in the result converted the papacy into the passive instrument of one who knew how to use it for the promotion of his own cruel and selfish purposes.

Its length.

The period we have thus described extends from the death of Clement IV.—an event which followed within one month from that of his victims—to the transfer of the seat of the papacy from Rome to Avignon in France; a period of rather more than forty years; though, after deducting the six interregna which suspended the succession, and tended in no small degree to enfeeble the system, there remained barely thirty-five years of active pontifical government, giving an average of little more than three years to each pontificate.

Relation of Italian states &c. to the empire.

The relations of the Italian states and republics to the empire during this period were of an anomalous nature. Though Italy was still reputedly and legally a constituent portion of the

[a] Conf. chap. ii.; p. 108 of this vol.

Holy Roman Empire, yet the imperial authority had fallen almost into oblivion ; not so the spirit of faction which arose out of the animosities engendered during the long contest between the empire and papacy. The designation of *Guelfs* and *Ghibellines*, though in their origin denoting the partisans of the papacy and the empire respectively, had in a great measure dropped their primitive signification, yet without in any degree losing their baleful influence upon the parties which adopted them. In every city, state, or republic in Italy, Guelfs and Ghibellines continued to harass and persecute one another, as if they had never heard either of Pope or Emperor. The papacy reaped all the advantage derivable from this state of things. Hitherto the struggle lay between a *government* and a *monarch ; now* the contest was against simple anarchy ; a foe with whom the Roman pontiffs well knew how to deal. Discord was the element in which the papal policy had achieved its most signal successes—it laid open the clearest field for the practical application of the extreme principles of the Innocentian scheme.

Radical defect in the hierarchical constitution.

Still there was a defect in the constitution of the Roman theocracy against which no ordinance, no principle, however severe and precise, could provide a remedy. The internal state of the "sacred college" itself very closely resembled that of the Italian governments in general. Factions, animosities, and irregular ambitions impeded the operations of regular policy, and often diverted the attention of the members from the consistent pursuit of the proper objects of hierarchical ambition to schemes of purely selfish or personal aggrandisement. In Italy generally the same spirit led to similar results. The cause of liberty and constitutional government suffered under the like state of moral perversion and corrupt practice. Thus the most flourishing of the Lombard cities had, since the overthrow of imperialism, fallen under the tyranny of the chiefs to whom the command of imperial mercenaries and the civic forces had been intrusted during the great conflict between the Swabian

emperors and the papacy.[b] Though after the death of Frederic II. several of these chieftains had either fallen by the hands of their outraged subjects, or shrunk into the condition of political partisans, yet all these revolutions on a small scale seemed to have no other effect than to swell those elements of domestic strife and party warfare which had become the normal condition of political society in Italy.

State of the republics of Venice, Pisa, and Genoa.

Meanwhile, however, the maritime republics of Venice, Genoa, and Pisa had advanced with a steady pace in commercial wealth and naval power. But here again their mutual jealousies and ambitions flung the free states into the vortex of party warfare. Thus Pisa had hitherto adhered with more than ordinary fidelity to the imperial interests, while the rival republic of Genoa had held out her hand to the Guelfic party rather from motives of commercial jealousy and family animosity than from any material profit to be derived from a state of petty warfare which wasted the strength and exhausted the resources of both belligerents. Venice, on the other hand, had kept herself comparatively aloof from continental politics. Favoured by her secluded position, her active commercial habits, her acquired wealth, her numerous foreign factories and territorial dependencies, she was enabled to maintain an influence independent of the continental factions, and to consolidate her institutions by the natural operation of the powerful stimulants of commerce and the ambition of maritime ascendancy.[c]

Romagna, Tuscany, and Naples.

In the provinces of Romagna and Tuscany the principalities and free communities had generally adhered to the interests of the papacy. The Markgrave of Este had acquired the lordship of the city of Ferrara. Bologna had submitted to Charles I. of Naples, as a last refuge from the pernicious disturbances of the Lambertazzi and Gerimei factions. Flo-

[b] The most important of these irregular dynasties were those of the family of the Eccelino di Romano in the Trevisan and Paduan marches; the Palavicini and Doara in the adjoining districts, and the Markgraves of Este on the Po. *Sismondi*, Rep. Ital. &c.

[c] Conf. *Sism.* Rep. Ital. &c. tom. iii. p. 286 et seq.

rence had suffered in the same degree from the sanguinary broils of Guelfs and Ghibellines both within her walls, and among the neighbouring commonwealths. These disorders had compelled them to seek the protection of king Manfred of Sicily; and when, after his defeat and death, the Ghibelline governor and the imperial party were driven into exile, Florence, like the sister republics of the Romagna, submitted voluntarily to the protectorate of Charles of Anjou. The latter potentate meanwhile, notwithstanding his vigorous character and unbounded ambition, was the creature, and in a great degree the instrument of the papacy. His talents, his valour, his ambition, and his vices flowed naturally into the channel of the pontifical policy. By his own conquering sword, under the ægis of Rome, he reposed in the tranquil possession of the twin kingdoms of Naples and Sicily: he was invested with the command of the resources of the richest and most productive regions of Central Italy; and found himself at leisure to frame plans of aggrandisement equally flattering to his own ambition and the most cherished projects of his pontifical patrons.

Election of Gregory X.

Pope Clement IV. died at Viterbo on the 29th of November 1268, after a reign of only two years nine months and a few days. The first symptoms of that decline of public spirit which so frequently attends the removal of external pressure became apparent at the election of a successor. No outward danger now stood in the way of the selfish ambition of the individual members of the sacred college. Month after month passed away without a prospect of a legal majority in favour of any candidate for the papal throne. Impatient of delays—the causes of which were as notorious as they were disgraceful—the citizens of Viterbo rushed to the doors of the sacred college; barricades were thrown across the approaches; and to add to the pressure upon the consciences of the imprisoned cardinals, the building was unroofed, and the supplies of daily food reduced to a minimum in quantity and quality. These vigorous measures at length produced the desired

result. The election was placed in the hands of a committee of six cardinals, and on the 1st of September 1271 Cardinal Theobald Visconti, though absent in Palestine in the suite of Prince Edward of England, was proclaimed Pope. The pontiff elect reached Rome on the 10th of February 1272; and was consecrated on the 27th of the following March,[d] under the name of Gregory X.

Plan of Gregory X. for the pacification of Italy.

The new Pope adopted the vindictive sentiments of his predecessor against the remaining partisans of the unfortunate grandson of Frederic II. He reiterated the curses hurled by Clement IV. against the citizens of Pisa, Pavia, Verona, and other cities of Northern Italy, together with all who had participated in the luckless adventure of Conradin and Frederic of Austria. The Pisans were the principal delinquents. The pacification of Italy and the elimination of the party spirit which so seriously impeded the favourite projects of the court of Rome was a matter of paramount importance. Gregory X. endeavoured to attain this object by reducing the aggregate of the Italian states to a single protectorate under Charles I. of Naples. He vehemently censured the Pisans for obstinately resisting the proposed protectorate—they had, he said, for ever gone hand in hand with the enemies of Rome; they had usurped, and continued to hold large districts in the island of Sardinia, "though they knew that the island was *the absolute property of the Holy See.*" For these crimes they had righteously incurred the anathema of the Church; and in that state of utter reprobation he doomed them to remain bound, unless, within three months, they should abandon their unlawful possession, accept the protectorate of Charles of Anjou, and scrupulously obey the mandates of the Holy See for the pacification of Italy.[e]

[d] See the prolix account of the election, and the extraordinary honours with which he was received at Rome, ap. *Raynald*, Ann. Eccl. an. 1271, p. 276 et sqq.

[e] *Raynald*, an. 1272, pp. 313, 314—and conf. c. ii. p. 62 of this vol. See also *Cath. Pet.* Book xii. c. 6, p. 175 et sqq.

But 'pacification' in the language of Rome denoted nothing less than the devotion of all the faculties of mind, body, and estate to her service. Nor could it have any other meaning from the lips of the earthly representative of the divine power and wisdom. This unreasoning submission was indeed essential to the success of the avowed objects of the government of Gregory X. It may be admitted that little was to be effected by temporising or conciliatory measures; and while the ready ambition and vigour of Charles of Anjou was at hand to put down faction by military force, it was not probable that the Pope would look much further a-field for the means of accomplishing his purposes. Meanwhile no doubt was entertained that the tyrant himself might be kept in leash by the prospect of nobler titles and a wider dominion than any which the actual state of the world's affairs could hold out. He had taken up his ground upon the pontifical patronage and support; and the probability that he would ever desert the basis of his power was so remote as to remove every misgiving of his fidelity from the mind of his patron. Before his death Clement IV. had invested the king with the imperial vicariate in the Tuscan province (an acknowledged dependency of the empire), by an arbitrary decree of the Holy See.[f] This barefaced usurpation passed unheeded by the turbulent and venal aristocracy of Germany; and Charles of Naples was at liberty to indulge the dream of extending his dominion over every portion of the peninsula his arms could reach.

Alliance between Rome and Charles I. of Naples.

The practised eye of Pope Gregory, however, penetrated somewhat beyond the coarse expedient of conquest. He believed that the dissensions in the Italian states, so prejudicial to the design of the Holy See, arose in a great mea-

Gregory X. against party symbols and designation, &c.

[f] The Popes maintained that the imperium supremum of the Western empire *in right of the donation of Constantine the Great*, was vested in the successors of S. Peter; and that till the emperor-elect was approved by them, they were entitled to provide for the good government of the provinces, and the advocacy or protection of the Holy See, without recurrence to any earthly authority.

sure from the irritating influence of party names or watchwords. He loudly condemned the designations of Guelphs and Ghibellines: "They were," he said, "words that had lost their meaning, and only served to keep alive hatreds and heartburnings which extinguished every sentiment of peace and charity in the minds of the people." By an extraordinary act of liberality, he absolved Guido Novello, the chief of the exiled Ghibellines of Florence, and restored him and his followers to their country; but upon condition of delivering up all the strongholds they still held in Tuscany into the hands of king Charles of Naples, as the vicar of the empire. But a project of still higher moment filled the whole soul of the aspiring pontiff. Gregory X. had arrived from the East with an ardent desire to accomplish the final reduction of the Greek church under the dominion of Rome. The first step towards the accomplishment of this great design was, by and through a general council, to unite Latin Christendom in one compact confederacy for the suppression of those secular dissensions and religious heresies which had planted so many a thorn in the sides of the papacy. Within the first year of his reign he had indulged a hope that, by the arms of his client of Naples, he should succeed in reducing Italy to such a state of tranquillity as would enable him to hold the projected council within the limits of the peninsula. But neither the military power of the king, nor the monitions of the Pope were of avail to persuade the powerful and ambitious republic of Milan to live at peace with her neighbours; or to overcome the resistance of the wealthy and zealous Ghibellines of Pisa. Pope Gregory was therefore reluctantly compelled to abandon the intention of holding the projected council within the confines of Italy. The independent territory and city of Lyons was accordingly fixed upon for the great Christian assembly which was to rescue the tomb of the Saviour from infidel pollution; to seal the reunion of the schismatic empire with the Catholic body, and to

He projects the subjugation of the Oriental churches.

He proposes a general council for that purpose.

accomplish the purification of the Church from those evils and corruptions "which had," he declared with some show of reason, "drawn down the wrath of God upon His Church; more especially as manifested in the agonising suspension of the pastoral power which preceded his own election, and in the disgraces suffered by the armies of the cross in the East."

Advantageous position of Gregory X.

Several fortunate contingencies came in aid of the plan of Pope Gregory: Philip III. (Le Hardi) of France had sanctioned the claim of the Holy See to the county of Venaissin in Provence.[g] Edward I. of England, on his return from Palestine, had paid a visit of courtesy to his friend and late comrade in the holy war, Pope Gregory, at Orvieto; and obtained from the latter the condign punishment of the murderers of his cousin, prince Henry, son of the late Emperor Richard of Cornwall.[h] About the same time[i] Rudolph, count of Habsburg and Kyburg, was elected king of the Germans. Shortly before his accession Pope Gregory had been urgently solicited by the party of Alphonso, king of Castile, to recognise his claim to the empire, in virtue of his prior election, when the competitor of Richard of Cornwall, in the year 1257.[j] But the sagacity of the Pope on this occasion was not at fault, and he speedily had good reason to congratulate himself upon the fortunate option between the two candidates for the most important crown in Europe. In the anarchical state of the empire, and the precarious position of the new king at his accession, the friendship of the Pope could not be purchased at too high a price. Add to the many advantageous

[g] *Rayn.* an. 1272, p. 348. The county of Venaissin with the city of Avignon belonged to the ancient kingdom of Arles, and was an appendage of the empire. The claim is believed to have been grounded on one of the pontifical filchings during the Albigensian persecution—perhaps as a portion of the cession of Raymond VII. to the Pope in the year 1223. Conf. c. iv. p. 125 of this vol.

[h] Prince Henry was basely assassinated by two sons of Simon de Montfort in revenge for the death of their father at the battle of Evesham in 1265. Conf. c. v. p. 204 of this vol.

[i] On the 29th of Sept. 1273.

[j] *Raynald*, an. 1273, p. 324. The annalist insinuates that the elevation of Rudolph was precipitated by a threat from the Pope that, unless the Germanic constituency made haste to put an end to the interregnum, he would himself nominate an emperor.

contingencies which came in aid of the far-seeing plans of Gregory X., that in the actual state of the revived empire of the Greeks in the East, the prospects of the papacy in that direction were scarcely less encouraging.

In the year 1261 the Latin dynasty of Constantinople had yielded to the resolute efforts of the Greeks to rid themselves of a domination alike mortifying to their pride and distasteful to their religious prepossessions. Michael Palæologus had dethroned the last Latin emperor, Baldwin II., and now held the crown by a tenure scarcely less precarious than his unfortunate predecessor. By this time the Latins had learnt to consider the possession of Constantinople as the key to the Holy Land. It was obvious that, if the powers of the West could have been brought to bear upon the crusade, or if they could even now be combined for the reconquest of Constantinople, the chances of success were greatly in their favour. In the exhausted and defenceless state of the empire, Michael Palæologus saw and trembled at the vast naval and military preparations of Charles of Anjou. Fleets and armies, which could have no other object than the gratification of the boundless ambition of their leader, were collected in the ports of Calabria and Sicily. The threats and intrigues of Charles I. had revealed to the court of Constantinople the quarter from which the storm was to burst upon the distracted and enfeebled empire; and Michael Palæologus saw clearly that the total deficiency of naval and military resources must be supplied by craft; and, if need were, by those arts of dissimulation and perfidy at all times of easy digestion to the court and courtiers of the East. Urgent and repeated messages were despatched to Pope Gregory X. expressing the anxious desire of the emperor and his council to be restored to the bosom of the "one only Catholic and Apostolic Church." Attracted by the near prospect of a spiritual conquest which had for ages past formed the day-dream of his most aspiring predecessors, Gregory X. embraced the opportunity

Gregory X. accepts the submission of the Emperor Michael of Constantinople.

with a zeal tempered with the precautions familiar to the court of Rome in dealing with repentant heretics or schismatics. He agreed to accept the submission, if tendered with the utmost publicity and in the most unconditional form. The Pope's terms were accepted with an alacrity which bore every external mark of sincerity; and the menacing attitude of Charles of Anjou was deprived of more than half its terrors. Neither Pope nor king could—for a time at least—appear in the field against the penitent Orientals; and the great council about to assemble at Lyons was to seal the bond which should enlist the universal church under the banner of Rome, give peace to Christendom, and unite every arm for the recovery of the Holy Land from infidel desecration.

Ostensible union of the Greek and Latin Churches.

On the 7th of May 1274 the Pope opened a great council at Lyons in the presence of 500 bishops, seventy abbots, and other clergy, to the number upon the whole of upwards of 1000 ecclesiastics. The first subject proposed for consideration was the forlorn state of the defenders of Palestine; and the first active step was to vote away the tenths of all church revenue for the ensuing six years for the holy war. Ambassadors from the Eastern empire appeared before the Pope and the assembled fathers, and presented a formula of adhesion to the faith of Rome to which no exception could be taken. The doctrine of the procession of the Holy Ghost—the 'Filioque'—was accepted in the most unqualified terms; the 'transubstantiation' of the bread and wine in the eucharist was adopted without reserve; more than all this, the primacy of the Roman church over all churches, and the absolute duty of obedience to her commands, together with the utmost latitude of appeal to the Roman pontiff, was unequivocally acknowledged. The manifesto presented to the council was attested by the signatures and seals of the emperor and thirty-six metropolitan bishops of the European and Asiatic provinces of the empire; and on the 28th of August 1274 the Emperor Michael

Palæologus was solemnly reconciled, and received into the bosom of the Latin Church.[k]

There are strong indications that Pope Gregory X. placed no greater reliance upon the sincerity of the parties to the submission than his knowledge of the strong undercurrent of repugnance among the Greek clergy in the mass warranted. But with the support of the monarch—whom he appears to have trusted—and the pliant nobility and clergy of his court, but perhaps relying still more confidently upon the terrors inspired by the menacing attitude of the king of Naples, to conjure down the elements of apprehended opposition, the pontiff was inclined to believe in the reality and durability of his victory. But a new difficulty met him at this stage of the transaction. Though he had held out no *public* encouragement to the plans of Charles of Anjou, it was obvious that the reconciliation of the Greek church and empire with the pontiff and court of Rome had proceeded upon a tacit relinquishment of all support to the great enemy of the state. It therefore became necessary to take some steps to induce his client and vassal to abstain—at least for the present—from any open attack upon the empire; and thus, to leave the emperor at leisure to do the Pope's work within his own dominions. Negotiations were set on foot—probably with no sanguine hopes of success on the part of the Pope—for an accommodation between Philip, the surviving son of the late Latin emperor Baldwin II., son-in-law to King Charles of Naples, and the restored autocrat of the Greeks. But protracted diplomacy was always a favourite policy of the Eastern court. The threat of a new crusade hung over the feeble empire like a gathering tempest. It was reasonably apprehended that, however sincere the motives of the Pope, the views of the leaders of the projected crusade would be directed rather to the recovery of their late dominion in the East than to the acquisition of a few barren

Relative positions of the papacy and the Eastern empire.

[k] *Concil.* ad an. 1274; *Art de vér.* &c. tom. i. p. 200.

square miles in Palestine, or even the rescue of the holy sepulchre from infidel profanation. But as long as the Pope could be amused by the prospect of a consolidated union of the two churches, it was tolerably certain that he would do his best to protect the empire against a disturbance which must prove prejudicial, and might be fatal, to the object in view.

Policy of Michael Palæologus.

Thus far, therefore, the policy of the court of Constantinople had been attended with success. But many difficulties remained to be overcome before the desired consolidation of the two churches could be accomplished. Assuming the good faith of Palæologus at the outset of the transaction, he had been all along the creature of events over which he had had little control. The chapter of accidents was at war with his integrity: insuperable hindrances might compel, and perhaps justify a change of purpose. Conciliation or compromise in dealing with the religious prepossessions of dissenters were unknown at Rome, and Michael Palæologus, acted upon in opposite directions by the haughty commands of his spiritual superior on the one hand, and the obstinate resistance of his people and clergy on the other, soon found himself driven into an ambiguity of position hardly less offensive to Rome than actual secession.

Gregory X. a reformer—*decree of the Conclave.*

Withdrawing for the moment from the consideration of the affairs of the Greek empire in their relation to the papacy, we advert now to other, even more, remarkable transactions which engaged the attention of the great council of 1274. Pope Gregory X. was strongly impressed with the inconveniences arising from the multiplication and endless differences among the monastic communities. With a view to remedy the evil he suppressed all orders that had not received express charters of confirmation from the Holy See. At the same time he was unsparing in his denunciations of the vices of churchmen of all ranks, imputing the loss of the Holy

Land to the divine wrath upon a corrupt and adulterous generation, ecclesiastical as well as lay.[1] To the self-seeking cupidity and ambition of the sacred college itself he attributed the calamitous interregnum of twenty-seven months, which had preceded his own election. He even regarded with secret satisfaction the effectual, though irregular, expedient resorted to on that occasion by the citizens of Viterbo to put an end to the widowhood of the universal church. The council partook of the indignation of their chief; and in reliance upon the support of the Latin clergy, he ventured, in the teeth of a majority of the sacred college, to propose that "within five days after the decease of a sovereign pontiff the cardinal clergy should assemble, and be confined in a separate and secluded building; each cardinal attended by a single servant: that they should continue thus cut off from all communication with the outer world, except for the introduction of the needful food, till the nomination of a new pontiff; and that after the lapse of three days their table should be supplied with a single dish, with bread, wine, and water: that the election should be invariably held in the city or place in which the last pope had died; but that no election should take place till at least ten days after vacancy proclaimed, in order to afford time to the distant members of the conclave to take part in the proceedings: lastly, that they should take no money or funds from the pontifical treasury with them into their temporary seclusion, nor occupy themselves with any matter of business, ecclesiastical or secular, but that of electing a successor to the deceased pontiff."[m] The proposal, though objected to by a majority of the sacred college, was received and passed into a law of the Church by acclamation. How it was dealt with will appear in the sequel.

At no period subsequent to the death of Innocent III. had the papacy stood upon a prouder eminence

[1] *Raynald*, an. 1274, p. 359.

[m] *Id. ib.* pp. 354, 355; and *Concil.* ad eund. an.

than under the vigorous and honest government of Gregory X. No preceding pontiff—and surely none of his successors within the period we are now considering—possessed either the ability or the discernment with which he availed himself of the opportunities of aggrandisement which presented themselves in the course of contemporary events in the political world. During the sitting of the great council of Lyons, the Pope peremptorily set aside the claim of Alphonso king of Castile—the surviving competitor of Richard of Cornwall—to the crown of the empire; and at the humble request of Earl Rudolph of Habsburg, the lately elected king of the Romans, he confirmed the choice of the Germanic princes; coupled, however, with conditions which implied a direct veto upon the election, and went far towards reducing the empire to a dependency of the Holy See. As a basis of future negotiation it was agreed in the presence of assembled Christendom, that the emperor-elect should upon oath renounce all right and title, present and for all time past and to come, to the kingdoms of Naples and Sicily: that he should acknowledge in the amplest terms the immemorial sovereignty of the Holy See over those realms: that he should recognise and adopt in its literal signification every gift, grant, or donation theretofore granted or made by his predecessors and all others, to the Roman Church, including all territories and possessions mentioned and contained in every document at any time alleged and set up by the pontiffs of the Holy See on behalf of their church and prerogative.[n] With all this the Pope caused it to be understood that the final recognition of Rudolph as emperor-elect was to be subject to the acceptance of terms of a more specific character, to be agreed upon at a subsequent personal interview between him and the Pope.

Relations of the papacy to the Germanic empire under Gregory X.

[n] The wording of this preliminary treaty is as wide as it could be made. The emperor-elect grants, makes over and confirms to the Pope and his successors "omnes concessiones, privilegia, juramenta (jurisdictions), et cetera omnia quæ mei prædecessores fecisse *noscuntur* seu *inveniuntur*, &c." See *Raynald*, an. 1274, p. 349.

But more than a twelvemonth elapsed before Pope or Emperor was at leisure to hold this definitive conference. During the absence of the pontiff in France the disorders in Italy, before adverted to, had increased to an alarming extent. As long as the maritime republics remained at variance, neither naval nor military forces could be drawn from these, the only sources of supply. The prospects for the crusade were daily melting into thin air, and seemed now to rest solely upon the dangerous expedient of establishing Charles of Naples in the eminence of power in Italy, to which he was well known to aspire. Philip III. (Le Hardi) of France, and Edward I. of England, though both monarchs had solemnly affixed the symbol of the cross to their breasts; though both had received assurance of ample pecuniary aid from the tenths granted by the late council, showed no sign of motion or even of preparation for the sacred enterprise. In Italy, Alphonso of Castile had fomented the troubles in that country by lending military aid to the Ghibelline party, in this instance against both Pope and Emperor.[o] With a view to put an end to this disturbance of his plans for the pacification of Italy, the active pontiff repaired to the court of Alphonso of Castile. But the stubborn ambition of the Spaniard was proof against solicitations and menaces; and Gregory hastened to Germany to complete the arrangement with the empire initiated at the late general council.

Gregory X. in Spain and Germany.

The Pope arrived at Lausanne on the 6th of October 1275; whither the emperor-elect with all his family and a brilliant court had repaired to meet him. It is to be noticed that Rudolph was at this moment involved in serious political difficulties. The uncompromising hostility of Ottocar, king of Bohemia, the continued intrigues of Alphonso of Castile, and the turbulence and undisguised venality of the Germanic constituency had hitherto disappointed all his efforts for the restora-

Conference and treaty between Gregory X. and the Emperor Rudolph of Habsburg.

[o] *Raynald*, an. 1275, pp. 370, 371.

tion of internal tranquillity, and shaken his throne to the foundation. In Germany the traditions of the glorious period of the Hohenstauffen had been extinguished in the blood of the last scion of that illustrious race; and Rudolph might without reproach consent to alienations from which his predecessors had shrunk at the expense of their blood and treasure, and—it must be admitted—even of their integrity.[p] The tradition that Italy was *de jure* part and parcel of the Holy Roman empire had, notwithstanding the unexecuted cessions of Frederic II. to Pope Innocent III., held its ground in Germany and in Italy up to a recent period. No *de facto* dismemberment of the empire had taken place till the extinction of the Swabian dynasty. But from that epoch the German connection had been practically lost sight of: the whole of the southern, and a great part of the central provinces of Italy had been reduced into the possession of the Holy See, and her claims to the islands of the Mediterranean were strengthened by the success of her arms and her policy. The cession of Frederic II. unquestionably amounted to a prospective dismemberment of the empire; but it may be doubted whether a similar cession, when—as at this point of time executed *de facto*—could be regarded in the same light. Rudolph of Habsburg was in some respects in a like position to that of Frederic II. when at Rome under the protection of Innocent III. in the year 1212.[q] Both princes under similar circumstances of difficulty and danger did not scruple to purchase the support of the Holy See at the same price. The terms concluded upon between Pope Gregory X. and the Emperor Rudolph were in fact almost a literal transcript of those imposed upon Frederic II. by his great predecessor: the emperor-elect warranted the Holy See in the quiet possession of all her actually acquired rights, territories, honours, and jurisdictions, and promised military and

[p] Conf. ch. ii. pp. 29 and 60, 61 of this vol. The apology suggested in the last-quoted passage of this work amounts rather to a plea in mitigation of censure than to a justification of the breach of engagement incurred by the Emperor Frederic II.

[q] Conf. *Cath. Pet.* Book xiii. c. 6, pp. 510 to 514.

financial aid to the Pope to reduce into possession all such claims as were still withheld or outstanding: these possessions and claims were defined to embrace the continental regions lying between Radicofani in the north and Ceprano on the southern frontier, the entire exarchate of Ravenna, the duchy of Spoleto, all lands reputed to have formed part of the inheritance of the Countess Matilda, the county of Bertinoro, and the adjacent countries "as written and expressed"—so the document runs—"in numerous 'privilegia' of the emperors, from the time of *Louis, the son of Charlemagne, to the present age*"—including, of course, all that could be, or ever had been, claimed under the spurious donations of Louis the Pious and Otto the Great.[r] A supplementary treaty executed on the following day supplied all that was requisite to bring the transaction into complete harmony with the cessions of Frederic II.

Derogatory acknowledgment of Rudolph of Habsburg.

The exordium of this document, however, implied a humility of submission which might be construed into an acknowledgment of subordination equally derogatory to his personal dignity and to the honour of the crown he wore. "We humbly acknowledge," he said, "*that all we are and all we have we hold of the free gift and bounty of the Holy See;*[s] hereby devoting ourselves and all our powers, *as received from her* (the Holy See), to the utmost of our ability, to her service in humble and immutable obligation." This instrument provides for the free election to all bishoprics and abbeys. The exuviæ, or personalty of deceased prelates, are unconditionally renounced, and the extirpation of heresies and heretics in the empire solemnly warranted. The emperor then abandons all right or title to the kingdom of Sicily on both sides of the Pharos, and transfers those realms, together *with the islands of Sardinia and Corsica*, in full sovereignty to the Holy See, as aboriginal parcels of the

[r] The latter under the title of the "Pactum Ottonis." Conf. Book ix. c. i. p. 27, *Cath. Pet.*

[s] "Illi (papæ) a quo cuncta procedere novimus et humiliter confitemur quod ab eo recepimus; offerentes ei et apostolicæ sedi ac vestris obsequiis nos quicquid sumus, in perpetuum humili voto et incommutabili proposito devovemus, &c."

several grants and donations—genuine or spurious—immemorially appealed to as the title-deeds of Roman supremacy ;[t] he formally acknowledges king Charles of Anjou as sovereign of Naples and Sicily, and legitimate vassal of Rome ; and engages to abstain from molesting him, or suffering others to molest him in the quiet possession of the kingdom, more especially against all who might claim as heirs of the late emperor Frederic. The document concludes by a solemn engagement on the part of the emperor-elect to procure at the earliest season the ratification of the treaty by the estates of the empire.[u] The confirmation required was obtained in good faith and without difficulty ; the document followed the terms of the like instrument as delivered by the diet of Eger at the accession of Frederic VI., recognising the severance of the kingdom of Sicily from the empire and its annexation in full sovereignty to the See of Rome.[v]

Effect of the cessions of Rudolph of Habsburg.

The pleasure of the Pope in this important achievement was unalloyed by any doubt or misgiving as to the fulfilment. The treaty implied no new acquisition ; but it was all-important, both as a security of the actual possessions of the Holy See, and as an admission of the widest claims ever set up by the papacy against the empire. Upon the occasion of the papal visit the emperor-elect and many of the princes and nobles of the empire had assumed the cross, and Gregory returned to Italy with the flattering prospect of a speedy recovery of the Holy Land, and in the sanguine hope of closing his days in that hallowed region. But this brilliant prospect was speedily overcast. The efforts of the pontiff for the pacification of Italy had proved unavailing ; party divisions still bad defiance to his most strenuous efforts at conciliation. The party conflicts of the Milanese were stimulated by the inopportune renewal of the censures

[t] The document is furnished with the usual clauses for the quiet possession and gratuitous defence of all claims and acquisitions.

[u] *Raynald* an. 1275, p. 386.

[v] Conf. *Cath. Pet.* B. xiii. c. 6. p. 513 et sqq. *Rayn.* u. s. p. 387.

fulminated against them by Clement IV. The Florentines ventured to obstruct the journey of the Pope towards Rome, and compelled him to revoke the anathema and interdict inflicted on their city, as the price of a free passage through their territory.[w] The formidable naval and military preparations of his ambitious vassal, king Charles I. of Naples, presented a further obstacle to the crusade. That this armament was intended against the empire of the East was by this time notorious; nor was the conviction less general that the late religious revolution in that country was determined by apprehension of the designs of the King. The co-operation—or at least the neutrality—of the court of Constantinople was deemed essential to the success of the expedition; yet Gregory could not divest himself of his suspicions of the sincerity of his new converts; and might deem it the safer policy—at whatever danger to his darling project—to keep the sword suspended over the head of the suspected neophytes.[x]

Prospects of the proposed crusade, and death of Gregory X.

A dark shadow had come over the prospect of a combined expedition to the Holy Land. The reliance of Gregory upon the will or the power of Rudolph of Habsburg was obviously of the frailest. From France, England, and Spain, little was to be expected. Italy was distracted by internal commotions and petty wars. The only force capable of immediate action was that of the king of Naples; but that force had taken a different direction. The conquest of Constantinople might perhaps be made subservient to the ultimate design of the pontiff; but then, the great spiritual conquest of his reign must be infinitely imperilled,—probably altogether abandoned. Amid these perplexities, and the bitter regrets occasioned by the disappointment of his most cherished plans, and of his dearest hopes of sacred rest in the land hallowed by the life, the sufferings, and the death of the

[w] He had however hardly reached a place of safety before he renewed the censures with additional severity, in requital for this fresh injury and insult inflicted upon the Church in his person. *Rayn.* u. s. p. 389.

[x] Conf. the bitter paragraph of *Raynaldi* ad an. 1275, pp. 389-393.

Saviour, Pope Gregory X. closed his days. He died at Arezzo on the 12th of January 1276, after an active pontificate of three years nine months and fifteen days.

In the course of the year 1276 the Emperor Rudolph had reduced his powerful rival Ottocar of Bohemia to submission, and might now be expected shortly to put in his claim to the imperial crown. Gregory X. had earnestly solicited his presence in Italy with a view to strengthen his hands against the prevailing factions in that country. But the emperor was no longer supported by the energy and political tact of that able pontiff. The death of Gregory X. once again let loose the selfish passions of the sacred college. With a view to secure a chance to each, it had become almost the order of the day to elect the oldest and most decrepit member of the body. Thus it happened that three popes—Innocent V., Adrian V., and John XXI., were elected and died within the current year. The first of these pontiffs —Innocent V.—was a Dominican monk, penetrated with the whole spirit of his order. During his short reign of only five months and two days he made some progress towards the pacification of Italy. He appeased the troubles of Florence, and negotiated a peace between the republics of Pisa and Lucca. But these laudable efforts were neutralised by his bitter persecution of the Ghibelline republics of Pavia and Verona. The apprehended visit of the emperor-elect to Rome was a subject of unmitigated alarm to this Pope. He regarded the presence of an imperial army as the assured triumph of the hated Ghibellines in Italy; and while Charles of Naples retained the papal vicariate in the imperial dependencies of Tuscany, and the Guelfic party held the upper hand in the north, it was impossible to expect any other result than violence, rapine, and bloodshed from the advance of an imperial army into the heart of the country. This contingency had in fact been foreseen by Gregory X.; and he had striven to establish a good understanding between Charles of Anjou and the emperor-elect. But the ambition of the

Selfish practices of the cardinals—rapid succession of popes.

Innocent V.

former recoiled from the introduction of a balancing power; and Innocent V. saw no means of escape from the threatened danger, but a peremptory inhibition to the emperor to enter Italy until he should have come to some arrangement with the king of Naples touching all matters of complaint they might have against each other.

Adrian V.

The death of Innocent V., after a reign of a few months, recommended another aged and infirm candidate to the attention of the sacred college. The cardinal-deacon Ottoboni was chosen by the name of Adrian V., but died within a few days over the month. After this the choice of the sacred college fell upon Pietro Giuliani, bishop of Tusculum, who assumed the name of John XXI.[y] The election took place at Viterbo; and, as in the case of the prior conclave, the citizens took upon themselves the duty of executing the decree respecting the pontifical elections enacted at the great council of Lyons. Violently and profanely they ventured to shut up the cardinals within four walls, there to remain with meagre fare till they should agree in the choice of a pope. Accordingly, within the short period of twenty-eight days John XXI. was raised to the throne. It is probable that the new pope was pledged to his brethren for the rejection of the obnoxious statute of Gregory X., and at all events the first act of his government was to suspend the decree in question, with a view to its ultimate repeal.[z]

John XXI.

The court of Rome and the crusade.

Though, as time drew on, the prospect of combining the arms of Christendom for the deliverance of the Holy Land became more and more distant, yet the court of Rome appeared to adhere to the scheme with all the greater pertinacity. Independently of the characteristic stubbornness of sacerdotal prepossessions, we may suggest several motives

[y] According to the learned compilers of the *Art de vérifier les Dates*, he ought to have been styled John XX.; but as some persons still insisted upon the introduction of a John XX. under the name of pope Joan, Card. Giuliani as Pope has since gone by that of John XXI. Indeed it is surprising at how early a period and for how long a time the fiction of a pope Joan maintained itself in the Latin Church.

[z] *Raynald.* an. 1276, pp. 404, 405.

for thus, as it were, hoping against hope, and pursuing with undaunted perseverance an object which was always eluding its grasp. One motive—and *that* perhaps the most operative in the actual disposition of the court of Rome—was the colorable pretext it afforded for taxing ecclesiastical estate *ad libitum*. The sums which flowed into the pontifical treasury from the tenths granted by the council of Lyons in 1274, for the expenses of the holy war, had been very considerable. These funds lay at the absolute disposal of the Curia, unincumbered with any accountability to the contributors, much less to the laity, to whose use they were devoted. A second motive for this persistence may be detected in the discretion tacitly conceded to the popes in marking out the objects and direction of the proposed crusade ; a discretion which enabled them to divert the forces and the funds of Christendom to the overthrow of their individual enemies, and the furtherance of their separate political schemes. Besides these inducements, there was a natural reluctance to permit so powerful a source of influence as the command of the forces of the Latin world in the sacred enterprise to slip from their hands. Encouraged,—though it were but by a ray of hope of keeping alive the spirit of the crusade,—the court of Rome omitted no expedient to arouse the pious zeal of the Christian people; and by the numbers and fervour of the assembled warriors, to compensate in some degree for the indifference of the princes and chiefs. The latter, it is true, had affixed the symbol of the cross to their breasts ; times and places for the muster of the pilgrims had been duly published ; and thousands of enthusiastic aspirants waited patiently at the appointed stations for the signal of departure. But as time wore on no one gave the signal ; the funds for the support of the assembled multitudes fell short ; and in the interim other political obstacles intervened, which dissipated every prospect of finding a leader able and willing to risk life and fortune in a hazardous and unremunerative adventure.

Meanwhile the growing power and notorious ambi-

tion of Charles of Naples had become a source of uneasiness to the Holy See.[a] Yet every hope for the projected crusade rested upon him. The tottering allegiance of the reconciled Greek empire and church was—it was believed—sustained mainly by the terror of his arms; and the successors of Gregory X. might convince themselves that the maintenance of their position both in the East and the West must in a great degree depend upon success in balancing against each other the hopes and fears of both parties. But hindrances to the projected crusade multiplied on all sides: Philip III. (Le Hardi) of France was at variance with Alphonso of Castile in defence of the rights of the children of his sister, the widow of the eldest son of Alphonso. The latter had designated his second son Sancho as his successor; a departure from the principle of primogeniture which shocked alike the prepossessions and the family interests of the king of France. Pope John XXI. indeed prohibited hostilities upon pain of the severest spiritual censures; but the threatening misunderstanding between two of the most important European kingdoms precluded all hope of assistance from either towards the darling project of the court of Rome. But an even more fatal obstacle arose from a formidable invasion of the kingdom of Aragon by the Moriscos of the south. A crusade was published against the dangerous Spanish infidels, and the Pope disposed, without scruple, of a portion of the tenths devoted by the council of 1274 to the service of the Holy Land, as a subsidy to the king of Aragon for defraying the expenses of his defence.[b]

Evanescent prospects of the new crusade.

The accidental death of pope John XXI.[c] on the 17th May 1277, once more exposed the Holy See to that unseemly competition which destroyed its integrity,

[a] Thus, when the king applied to pope John for the charter of confirmation and investiture usual at every new pontificate, severe precautions against any future acquisitions were introduced; and covenants inserted, by which the conquest or acceptance of any foreign crown should vacate that of Sicily and place it at the disposal of the Holy See. *Raynald.* an. 1276, pp. 407, 408.

[b] *Raynald.* an. 1277, pp. 414, 415.

[c] By the fall of a new apartment he had added to his palace at Viterbo.

and undermined its influence in Christendom. The ordinance of the conclave no longer stood in the way of the corrupt and dilatory practices of the sacred college; and a vacancy of six months and eight days left the government of the Church in the hands of a body who regarded it rather as a source of personal aggrandisement or pecuniary profit than as a sacred trust. The bonds of social order were relaxed, the cities and towns of the districts ceded to the Holy See by the empire aspired to independence. The citizens of Ancona waged war with Venice; and the latter laid siege to their city. In vain the cardinal-regent threatened the extremity of spiritual censures against the sacrilegious invaders of the sacred territory of the Church. The citizens of Parma seized a castle belonging to the Holy See in their vicinity; and in this case, as in the former, menaces of excommunication and interdict were unavailing to induce the intruders to relax their hold. The contempt into which the administration had fallen deprived the college of that moral weight which strengthens government as much as the possession of effective physical means for the maintenance of the public order. Disorders accumulated; the scandal became intolerable, and by one of those irregular movements whereby a vicious state of the political—like that of the physical—atmosphere is sometimes purified, the citizens of Viterbo once more took it in hand to put an end to the vexatious hesitations of the sacred college. They hurried the eight cardinals, upon whom they could at the moment lay their hands, into close conclave, under the orders and privations of the decree of 1274. This experiment proved successful, and after a short deliberation the choice of the sacred college fell upon John Gaetano dei Orsini, whom they raised to the throne by the name and title of Nicolas III.[d]

Death of John XXI.; vacancy and compulsory election of Nicolas III.

At the outset of his reign the new Pope was disquieted by suspicions of the fidelity of the Greek court to its engagements with the Holy See. The conformity of

[d] *Rayn.* an. 1277, p. 436.

the Greeks to the Latin ritual and doctrine was in fact confined to the court and the court clergy; and it was suspected that the steps taken by the emperor to that end were dictated rather by fear than any honest wish for a durable reconciliation. The danger, however, from the arms and arts of Charles of Anjou was more threatening than at any preceding period. Maria, the titular heiress of the defunct kingdom of Jerusalem, had made over all her rights to the king of Naples: Charles had taken the title of King of Jerusalem, and put himself into possession of the city and fortress of Acre, the last stronghold of the Latins in Palestine. The court of Constantinople regarded this occupation as the prelude to an approaching crusade, the whole force of which, they did not doubt, would be directed towards the recovery of the Latin supremacy in the East. The emperor Michael accordingly redoubled his efforts to dissipate the apprehensions of the Holy See, and by ostentatious obsequiousness to detach the Pope from the coalition. Great zeal for the establishment of conformity in the Greek Church became suddenly apparent. The recusant patriarch Joseph was banished from the court; Bessus, an extemporised convert to Latinism, was raised to the metropolitan see of the Greek confession,[e] and a solemn synod was held in the church of St. Sophia, in which the recusant clergy were condemned, and the Roman supremacy unconditionally accepted. But demonstrations of this character were not calculated to deceive the vigilant court of Rome. It had by this time appeared clearly enough that the allegiance of the reconciled Church of the East rested upon the ability of the Pope to hold the sword suspended over the head of the emperor. Nicolas III. was profoundly scandalised by the fact that no individual among the Greek clergy who had incurred censures for schismatic action had applied to the pontiff for the needful absolution, and that no prelate of the re-

Nicolas III. and the court of Constantinople.

[e] *Raynald.* an. 1277, p. 430.

united Church appointed since the reconciliation had solicited the papal confirmation. The papal legates at Constantinople were instructed peremptorily to insist upon reparation for this and every other neglect of duty in reference to the engagements contracted with the Holy See. They were at the same time cautioned to avoid being drawn into any steps that might prejudice the interests, or obstruct the views of the ex-emperor Philip de Courtenay and his ally and relative Charles of Naples. Palæologus on the other hand insisted upon the many proofs he had given of sincerity in his dealings with the Holy See, and entreated the Pope to throw off all reserve, and deal with the enemies of the empire as if they were his own. But circumstances as well as appearances bore testimony against his professions. The party hostile to the Latin connection had assumed a more formidable attitude. The great body of the episcopacy and clergy, supported by the influential laity of the empire, had protested in arms against the union; the military force sent against the rebels had refused to act; and the perplexed emperor was compelled to confess that, with the most upright intentions on his own part, he had no longer the power to execute the task imposed upon him: it must, he said, be known to the Pope that while striving by every means at his command to consolidate the union of the two Churches, the vassals and clients of the pontiff himself—the king of Naples and the pretender Philip de Courtenay—were supplying aid in men and money to their common enemies; and that under such encouragement the insurgents had dared to utter the most profane blasphemies against the pontiff and the holy Roman Church.[f] There was in truth good reason to suspect double dealing on both sides. By conniving—to say the least—at the intrigues and underhand practices of his clients and dependents, the Pope had destroyed all confidence in his pacific professions. Palæologus, on the other hand, contented himself with exaggerated pro-

Insincerity and suspicions of both courts.

[f] *Raynald.* an. 1277, p. 451.

fessions of devotion to the Holy See, and abhorrence of the errors of his schismatic subjects; but disingenuously evaded the papal recommendation to come to terms with the king of Naples,[g] for which every facility was promised on the part of the Pope.

This complication of affairs in the East, the mutual jealousies and conflicts of the crowns of France and Castile, but in a much greater measure the rising indignation of the emperor Rudolph at the glaring usurpation of the rights of the empire chargeable upon Charles of Naples, had thrown a deep gloom over the cause of the crusade, and removed the chances of assistance from the powers of the West to a hopeless distance. It has been already stated that pope Clement IV. had arbitrarily appointed the murderer of the last of the imperial race of Swabia *imperial vicar* of the remaining territories of the empire in Italy; and that that pontiff and his successors had put him in military possession of the whole of Central Italy. The election of Rudolph of Habsburg had placed upon the throne a prince pliable enough to the political exigencies of his position, but in no respect disposed to witness unmoved the usurpation of the undisputed rights of his crown. The emperor-elect explicitly denied the power of the Holy See to take the administration of the imperial dependencies in Italy or elsewhere into its own hands, and a strong remonstrance against the continuance of this abuse was addressed to the court of Rome. On the other hand the Pope was justified in complaining that the treaty of Lausanne had up to this time remained a dead letter: that the ceded territories had not yet been surrendered to the Holy See, nor the Ghibelline garrisons withdrawn from the castles and towns of the ceded districts. It is probable that Rudolph himself sincerely intended to redeem his engagements, but that he had been hitherto prevented from interfering in Italian affairs by the dangers and difficulties he had to contend with at home—difficulties which for a time

Objection of Rudolph of Habsburg to papal interference, &c.

[g] *Raynald.* an. 1279, pp. 514, 516.

prevented him from taking any effectual steps for the literal performance of the covenants entered into with pope Gregory X. at Lausanne. Experience had however by this time brought the Holy See to a sense of the difficulties under which, since the downfall of the Hohenstauffen, the empire laboured in the performance of the duty of official advocate and protector of the Holy See. It was manifest that the task could not be effectually fulfilled by that power; and that the estate of the Church must charge itself with a share of the burthen. But for that purpose the papacy must enter upon a new phasis of its existence. The court of Rome had hitherto pretended to no right of military intervention for the maintenance of its own territorial domain. That duty theoretically and practically devolved upon the protecting power. Rudolph of Habsburg could take no objection to an arrangement which shifted at least a share of the burthen from his own shoulders, and he promptly assented to the execution of an instrument which conceded to the Pope full powers of military interference to enforce his own rights and redress his own wrongs within the districts comprised in the treaty of Lausanne.[h] This transaction lifted the Pope into the list of the military powers of Europe; a character in which he had hitherto hesitated to appear before the Christian world.

The papacy, a military power.

It is obvious that however correctly Rudolph himself may have conceived his own relation to the Holy See, neither his German agents and lieutenants in Italy, nor probably the Germanic constituency itself, had understood it equally well. The imperial vicar Godfrey—in direct contravention of the principle of the late treaty—had exacted an oath of allegiance to the empire from the ceded cities of Romagna and the exarchate of Ravenna.[i] This unadvised act of his lieutenant was, however, speedily rec-

Reconciliation of Rudolph and Charles I. of Naples.

[h] See the entire document ap. *Raynald.* an. 1278, pp. 466, 467. The importance attached to this instrument is proved, not only by the minuteness of its provisions, but by the extraordinary solicitude displayed for its preservation. *Ibid.* p. 488.

[i] Such as Bologna, Imola, Faenza, Forli, Forlimpopoli, Ravenna, Rimini, Urbino, and others.

tified by the Emperor; the cities were released from their oaths, and satisfaction was made to the Holy See by the amplest acknowledgment of her sovereignty over the ceded districts. But it was of still greater importance to detach the Emperor, not only virtually but even nominally from the Ghibelline connection in Italy. A reconciliation, and, if practicable, a family alliance between the Emperor and the chief of the Guelfic party, offered the best chance of success. To this end the king of Naples was earnestly solicited by the Pope to entertain the proposal; and the ambassadors of the Emperor were detained at Rome to await the issue of the negotiation. But difficulties, which at the outset seemed insuperable, had still to be surmounted. Nicolas III., either from resentment of a personal affront he believed himself to have suffered from the king,[j] or with a view to remove the obstacle which the exercise of the vicariate necessarily threw in the way of an accommodation with the empire, had revoked the appointment of Clement IV., and withdrawn the senatorship of the city and republic of Rome from Charles of Naples.[k] These vigorous measures were imputed at the time to jealousy of the growing influence of the French party in Italy: whichever way the truth may lie, it is unquestionable that they greatly contributed to the success of the project of accommodation between the Emperor and Charles of Naples. There remained, however, a residuary ground of dissatisfaction to be cleared out of the way. The king held the counties of Provence and Forcalquier, as dependencies of the Arelatian kingdom, in the right of his wife, accruing by the death of her father, Raymond Berengar. The Emperor, on the other

[j] This Pope is said to have been inordinately bent upon the aggrandisement of his own family, and that he had proposed a nuptial alliance for one of his nephews with a daughter of Charles. The proposal is said to have been rejected with scorn by the latter, and that ill-blood had since then subsisted between the two courts.

[k] The decree of revocation directed that thenceforward no foreign prince, potentate, or noble should hold that high office; and that the city of Rome was, upon the authority of the donation of Constantine the Great, unconditionally subject to the Holy See. *Raynald*, an. 1278, p. 477. The annalist quotes the *Decret. Gratiani*, dist. xcvi. § 63.

hand, claimed the two counties as male feofs, and consequently as escheating to the empire in default of heirs. Rudolph was not the man to suffer so rich a windfall to escape his grasp without a word. Nicolas III., however, recognised in this state of things a favourable opportunity to accomplish his project of accommodation. He accordingly proposed that the Emperor should connect himself with the king by a marriage between his eldest son Charles, prince of Salerno, and a daughter of the Emperor, and that in return the latter should grant feoffment and investiture of the two counties to the king of Naples. These terms were accepted; the marriage and the investiture went hand in hand; the Emperor acknowledged Charles of Anjou as king of Naples, and accepted him as his vassal for the Arelatian territories;—an arrangement which could not but prove a heavy blow to the declining loyalty of the Ghibelline party in Italy.[l]

Death of Nicolas III.; his character.

Pope Nicolas III. survived the conclusion of this important transaction a few months only. He died of apoplexy, on the 22d of August 1280, after a reign of barely two years and nine months.[m] The memory of the deceased pontiff is loaded by his contemporaries with the accusations of boundless nepotism and ambition. The sacred college witnessed with selfish indignation the transfer of every dignity of the Church as it fell vacant to some relative or favourite of the pontiff, to the manifest abridgment of the patronage of his expectant successors.[n] To compensate for his unpopularity with the sacred college, Nicolas III. gained favour with the people by promoting many of the common sort; by building, furnishing, and decorating churches,

[l] Conf. *Raynald*, an. 1280, p. 506.

[m] *Art de vér. l. d.*

[n] He is accused of entertaining the most extensive plans of ambition. He is even reported to have proposed to the Emperor a division of the empire into four hereditary and independent kingdoms, to be assigned, one to Charles of Salerno, with its capital at Vienne or Arles, a second in Lombardy, and a third in Tuscany to be at his own disposal; the Emperor to retain Germany and to convert it into an hereditary sovereignty to pass to his heirs. *Raynald* (an. 1280, p. 518) gives these reports without contradiction or comment.

and supplying them with the favourite objects of popular worship.[o] He attached the Dominicans and Franciscans to his service by many favours and distinctions, and even promoted some members of those orders to the rank of cardinals. He made many bishops, and encouraged expectations, which kept him alive in the venal affections of the court clergy. All these plans of future advantage were cut short by the stroke of death, and the Holy See was once more exposed to that profane competition which was gradually undermining the foundations of the papal influence in Christendom.

Interregnum and election of Martin IV.

The Pope had died at Viterbo; and the election of a successor was to take place there. On this occasion king Charles of Naples had made up his mind to have a Pope of his own. As usual the sacred college protracted their choice from month to month. The king hastened to Viterbo to accomplish, if possible, the twofold purpose of putting an end to the civil disorders in Rome and the papal states uniformly following upon such vacancies, and of seating a creature of his own upon the pontifical throne. For this purpose he is believed to have secretly encouraged the Viterbian populace to repeat the experiment by which they had on former occasions put an end to the hesitations of the sacred college. Be this as it may, after a patient forbearance of six months' duration, the citizens laid hands upon the assembled cardinals, and shut them up in a secluded chamber upon bread and water. The expedient was attended with speedy success, and a French Cardinal, Simon de Brion, was proclaimed Pope by the pontifical name of Martin IV.

Though the new Pope thought it requisite to enter a protest against the violence suffered by the sacred college upon this occasion,[p] Martin was not the less

[o] *e.g.* heads of apostles; the foreskin of the Saviour; the hair of the Virgin Mary; the scull of S. Agnes, &c.

[p] He fulminated sentence of excommunication and interdict against the guilty city; and compelled the leader of the sedition, Richard Annibaldini, to ask pardon barefooted and with a rope round his neck.

grateful to the king of Naples for his elevation. The disorders which had broken out at Rome during the vacancy rendered the city unapproachable; Martin was therefore consecrated at Viterbo; the sacred college was replenished either with Frenchmen or devoted partisans of the king of Naples.[q] In direct contradiction to the ordinance of Nicolas III., that prince was reinstated in the senatorship of Rome, and every restraint of precaution or policy that could interfere with his projects of ambition was removed. In requital for these favours the king rendered military aid to his patron in reducing the revolted cities of Romagna and other turbulent dependencies of the Holy See to obedience.[r] Charles might now regard himself at the summit of his fortunes. The long-suspected treason of the Emperor Palæologus had by this time become in the mind of the Latin community a matter of conviction; or—what was very much the same thing—the inability of the Emperor to drive his recusant clergy and subjects into the Roman communion was placed beyond doubt. Whatever the difficulty of the task, it was once for all apparent that he had failed in the performance of the capital article in his covenant with the Holy See; the Greek churches continued in schism, intensified by the very measures resorted to to establish conformity; and Martin IV. no longer hesitated to gratify both his professional resentments, and the ambition of his patron, by launching sentence of anathema, excommunication, and interdict, against the apostate Emperor and his schismatic subjects.[s] A new crusade was published; the tenths of all ecclesiastical revenue leviable in the kingdoms of Hungary, Italy, Sardinia, and Sicily, for the deliverance of

Charles I. of Naples procures the publication of a crusade against the Greeks, &c.

[q] Among them Benedict Gaetano, who afterwards reigned under the celebrated name of Boniface VIII., and Jerome bishop of Palestine under that of Nicolas IV. *Raynald*, an. 1281, p. 521.

[r] The cities of Romagna, though in name subject to the Holy See, had been for ages past practically self-governed, with scarcely the reserve of a nominal allegiance to the empire or the Roman Church, as the influence of one or the other might have the upperhand among the parties into which the citizens were always split up.

[s] Conf. the entire document ap. *Raynald*, an. 1281, pp. 528, 533, 534.

the Holy Sepulchre were assigned to the king of Sicily without stipulation or restriction; nor was there at the time any doubt as to the real object of the grant, or of the intended diversion of the sacred treasure to the gratification of purely secular ambition.[t] The armaments of the king of Naples were approaching completeness, and it was by this time fully understood that the reconquest of Constantinople, and the restoration of the Latin supremacy in the East, was the real object of the expedition.

Giovanni di Procida and the court of Aragon.

But the sanguine hopes entertained of the success awaiting the powerful and well-organised force of the ambitious prince were scattered to the winds by an event of which neither friend nor foe appears to have had the most distant presentiment. And this result was brought to pass by the strong will, the stronger talent for intrigue, and the indomitable perseverance of one man. Giovanni, lord of the island of Procida in the gulf of Naples, had been friend, companion, and physician to the emperor Frederic II., and had, after his death, devoted himself to the fortunes of his son king Manfred. The downfal of that prince, and the ruin of the Hohenstauffen dynasty, drove Giovanni di Procida for refuge to the court of queen Constantia of Aragon, the daughter of his late master. Constantia was the last remaining scion of the heroic race of the Frederics and Henrys of Swabia; and to her service he devoted his life and fortunes. With a profound hatred of the intrusive dynasty, he combined an intimate acquaintance with the persons, the parties, and the politics of the day. Peter king of Aragon and his queen had taken him into their confidence; and from the first disclosure of his scheme for the emancipation of his countrymen from the odious yoke of the foreign usurper they had followed his movements, and secretly prepared themselves to seize any favourable opportunity to profit by his exertions.

[t] The grant may, after all, have amounted to no considerable sum. It is admitted that great difficulty had been encountered in the collection. The German prelates had either altogether declined to collect, or had misapplied the funds when collected. *Raynald*, u. s. p. 533.

The Sicilian conspiracy.

During the long period of his exile Giovanni di Procida had managed to keep up his communications with the malcontents both in Sicily and Naples. His information appears to have extended even into the minutest political movements of his adversary. In the earlier period of his exile the power of the intruder appeared too firmly established to encourage any direct attempt to disturb it: every chance of success seemed to depend upon the courage, the cunning, and perseverance of this one man. He sold to the last acre the estates bestowed upon him by his new master in Spain, and disappeared from his adopted country, no one knew whither. He was next seen under impenetrable disguises among his secret partisans in Sicily. He there witnessed, unknown and unseen, the unutterable barbarities perpetrated by the French officers and hireling soldiery of the tyrant of Naples. By patriotic addresses delivered at secret meetings in all parts of the island he stimulated the vindictive passions, while bespeaking the patience of his audience: their legitimate sovereign queen Constantia and her husband the powerful king of Aragon would—he assured them—be at hand to help and befriend them to the utmost when the moment of action should arrive; but, till then, he besought them to suppress their indignation; to shun all outward displays of resentment; to observe a smooth and submissive demeanour towards their oppressors, and to shroud all their communications in the most profound secrecy.

Giovanni di Procida at Constantinople.

We read of few conspiracies in the world's history in which the plans of the leaders have been carried out by their followers with such scrupulous fidelity as in that which led to the signal act of national vengeance known as the "Sicilian Vespers." Not a whisper of disaffection was heard throughout the island. Though the insolence of the oppressors increased from day to day, no movement betrayed the furious passions that were boiling in the breasts of the people. The masses apparently knew not who were their leaders—if in fact there were any such—who

were to point out the road to their deliverance; while the chiefs of the plot were mingling with their destined victims and lulling them into profound security by their obsequious demeanour. After organising the machinery of the conspiracy at home, Giovanni di Procida hastened to the court of Constantinople. He awakened the fears of the aged Michael Palæologus by a circumstantial description—obtained either by personal observation or through his spies—of the overwhelming numbers and quality of the forces assembled by his enemy on the coasts of Sicily and Apulia, destined to cast him headlong from his throne, and to reduce the empire to the abject state of dependence upon the tyrants of the West from which it had so recently emerged: his only course, he urged, was to throw himself into the arms of the discontented subjects of his adversary, and to invoke the alliance of the powerful king of Aragon, from whom the most effectual diversion of the hostile fleets and armies was promised: and with that view an advance of money to defray the expenses of the Spanish armament, and to supply the Sicilians with arms, would be the best mode of providing for his own defence. At that point of time, however, Nicolas III. was alive; and the temporising court of Constantinople was reluctant to forfeit the advantages to be reaped from the ill-blood known to subsist between that pontiff and the king of Sicily. A small supply of money was, however, advanced, and Giovanni ventured upon a still more hazardous stroke of policy by which he hoped at once to detach the Pope from the cause of Charles, and put an end to the hesitations of Peter of Aragon.[u]

Giovanni and pope Nicolas III.

Up to this period of time Palæologus had kept up his communications with the Holy See, and Giovanni availed himself of the escort of one of these periodical embassies to proceed to Rome in the disguise of a Franciscan friar. Through

[u] The ancestors of his wife had been deprived of the crown of Sicily by the Holy See, and Peter seems to have objected that she ought to be restored by the same authority. The scruple, however, was not very long-lived, and was probably intended only as an excuse for hesitation in embarking in a contest with so formidable an adversary as Charles of Naples.

his partisans in that city he obtained a secret interview with pope Nicolas III. He reminded the pontiff of the contemptuous rejection of his alliance by the insolent upstart of Naples, and alarmed him by a vivid picture of the dangers to arise from the uncontrollable increase of power which success in his enterprise against the Greek empire must throw into the hands of the adversary of his family interests and connections: he accused the king of encouraging and improving the party conflicts in the country for his own advantage: he was, he said, already the arbiter of Italy, and the Church itself had suffered herself to be reduced to a state of subserviency to his boundless ambition. These representations produced the desired impression, and Giovanni di Procida succeeded in obtaining a rescript under the hand and seal of the Pope, authorising queen Constantia of Aragon to take any steps that might be necessary for the recovery of her inheritance.

Growth and maturity of the conspiracy.

Armed with this tranquillising document and the supplies—such as they were—furnished by the Greek emperor, he repaired to Spain to relieve the scruples and stimulate the hopes of the king of Aragon. The death of Nicolas III., the rude rebuff of the plea of king Peter on behalf of his queen at the court of Martin IV.,[v] and the imprisonment of certain Sicilians who had ventured to solicit the intervention of the court of Rome for relief from the more intolerable oppressions under which they were groaning, put an end to all prospect of support from that quarter. The Sicilian petitioners, some of whom had by timely flight evaded the Roman dungeons, hastened back to their countrymen with rage and despair in their hearts: they assured the conspirators that all hope of relief from king or pope was at an end, and that it was manifest that the whole weight of his vengeance would speedily fall upon the heads of his dis-

[v] Martin IV. is reported to have told the envoys of the king to advise their master to think rather upon paying up the arrears of the tribute for which his grandfather had pledged his kingdom to the Holy See, than of upholding the groundless pretensions of his wife.

affected Sicilian subjects. In the interim Giovanni di Procida had once more visited Constantinople. The emperor Michael, who could not have been ignorant of the sinister change of men and measures at Rome, was convinced of the necessity of immediate action, and a sum of 25,000 ounces of gold was placed in the hands of the enterprising minister of the king of Aragon for the use of the common cause. Armed with this potent stimulant Giovanni hastened his return to Spain. Peter no longer hesitated; and an armament consisting of 10,000 infantry and 350 men-at-arms was embarked on board of a fleet of nineteen galleys, four heavy vessels, and eight transports, under pretence of a crusade against the Saracens of Africa. It is true that the suspicions of the courts of France, Naples, and Rome had been simultaneously excited by these preparations; but their inquiries as to the object of the armament were met by a reply to which no ostensible objection could be taken. The king of Sicily ridiculed the idea of danger from that quarter, and took no steps to avoid it. In the month of June 1282 the Aragonese fleet set sail and steered for the African coast, amusing and exercising the crews by a desultory warfare against the Moors of the seaboard. Meanwhile Giovanni di Procida traversed Sicily from end to end under various disguises; he furnished the people with arms purchased with the Byzantine subsidy, and communicated to his friends the enthusiastic sentiments of hatred to their oppressors which dwelt in his own bosom. Many of the Sicilian gentry had retired into the rugged interior of the island, where the influence of the French tyrants was less felt; these persons were advised to quit their retirement, to mix familiarly with their suffering countrymen, and to be prepared to direct the contemplated insurrection when the final signal should be given. But no signal was wanted; help was at hand, and it was now safe to let the burning passions of the people take the lead.

Accordingly an apparent trifle set the combustible mass in a blaze. On Easter Monday of the year 1282 during the celebration of a religious

The Sicilian Vespers.

festival, a noble Sicilian lady was wantonly insulted by a French officer on the road between Palermo and Monreale. The offender was instantly disarmed and dispatched with his own sword. The cry of vengeance ran like a train of gunpowder through the streets of the city: every Frenchman in Palermo and its vicinity was ruthlessly put to death; the conflagration spread to every considerable city and town in the island; and within one month the country was, by a merciless act of vengeance, cleared of its equally merciless oppressors. While the Sicilians were wallowing in the blood of their enemies, king Peter of Aragon was hovering at a safe distance from the coast, prepared to take advantage of any decisive movement on the part of the islanders. The coast was now clear; the king landed at Palermo, and was crowned King of Sicily amid the acclamations of the people. Though at the first intimation of the slaughter of his friends in Sicily king Charles of Naples had promptly transported a large detachment of his army across the Faro, and laid siege to the city of Messina, he had unaccountably neglected to protect his rear by a competent naval force. The Aragonese admiral, Roger di Loria, hastened to the relief of the beleaguered city; and Charles, to avoid having his retreat cut off, was compelled to raise the siege, and abandon his fleet of unarmed transports to the enemy. Every vessel was taken, sunk, and destroyed, and by this single blow the Sicilians were avenged of their enemies; the empire of the East was saved from imminent peril; and the ambitious plans of Charles of Anjou scattered to the winds.

Political consequences.

We have not troubled the reader with the details of this frightful atonement for numberless wrongs and cruelties perpetrated upon all classes of Sicilians by the French garrisons. It is sufficient to observe that the power of Charles of Anjou had suffered an irreparable blow. He was not only compelled to abandon his designs against the Byzantines, but was put to shifts to defend the coasts of his continental possessions from the inroads of Sicilians and Aragonese. The despair of his late subjects, on the

other hand, was converted into a universal jubilee; and with the relief came better government and a more determined purpose to submit to none but the line of their ancient princes. To the Holy See the Sicilian Vespers dealt a wound from which it bled at every pore for ages. The restoration of the heiress of the Hohenstauffen was felt as the bitterest draught that could have been administered to the court of Rome. The burning hatred with which that court regarded the race of Frederic II. depicted them as fiends rising from the infernal regions to wrong the successors of St. Peter. If the fiery Martin IV. could have stretched out his arm, he would have annihilated at a blow Constantia and her husband—he would have consigned the Sicilians and their chiefs to the slaughter they had inflicted upon his friends and clients. As it was, he involved Michael Palæologus, Peter and Constantia, their friends and adherents, in one sweeping anathema; he interdicted their dominions, and cited them to appear before the judgment-seat of Rome to show cause why they should not incur the doom of temporal and eternal ruin. In January of the year 1283 he published a crusade against the Sicilians and their abettors; accompanied by a general remission of sins to all who should fall in the service of the king for the extirpation of the insurgents; together with the usual indulgences to all who should take up arms for the suppression of that "inhuman and execrable rebellion." At the same time a liberal subsidy from the tenths destined for the succour of the despairing remnant of the defenders of Palestine was granted to the king to promote the sanguinary purpose of Church and State. Blinded by passion the irascible pontiff had flung from him the last chance of maintaining even the semblance of a union with the Greek Church. Palæologus was not only relieved from the terrors under which he had so long and so patiently suffered, but was absolved from all his obligations by the act of the pontiff himself. The furious censures launched against him by the madman on the Roman throne must have sounded as music in his ears—it must have dissipated the last

conscientious scruples he may up to this time have entertained as to the rupture of his connection with the Holy See.[w]

Difficulties of Martin IV.; The challenge.

The domestic difficulties of pope Martin IV. were aggravated by the mishaps of his ally. The removal of the terrors inspired by the inexorable tyranny of king Charles I. let loose party passions and conflict in Rome and Tuscany and Romagna. The city was agitated by the inveterate family feuds of the Orsini and Annibaldeschi: the citizens of Perugia rose upon the papal garrison, and were duly excommunicated and interdicted. In Romagna the exiled Ghibellines of Bologna, who had found a refuge in the neighbouring town of Forli, had made themselves masters of Forlimpopoli, Cesena, and other strong places in the vicinity. The prospect of a restoration of the Ghibelline ascendancy under the patronage of a descendant of their ancient chiefs and patrons had revived the spirits of the anti-papal faction in the most important cities of the pontifical state. Pope Martin himself was driven out of Rome, and compelled to take refuge in the strong town of Montefiascone on the extreme northern frontier of the territory of the Church. From this place of refuge he addressed urgent solicitations to king Philip III. of France for aid both of men and money to sustain the tottering fortunes of Charles I. of Naples. The king hastened to the rescue of the French interest in Italy; a numerous and gallant body of troops, under the command of his brother Peter of Alençon was put in march to reinforce the reduced forces of the king of Naples. The king of Aragon knew that the junction of the two armies might prove dangerous, if not fatal to his late acquisitions. In this emergency he resorted to a singular artifice to evade the peril. Building upon the martial courage and passionate resentments of Charles of Anjou, he sent him letters of defiance to single combat, with the ostensible view to the settlement of their respective pretensions by the judgment of God. Pro-

[w] See the document of anathema, dated the 13th of January 1283. ap. *Raynald.* an. 1283, p. 548. It is

mising himself ample vengeance upon the body of his opponent, Charles eagerly accepted the challenge, and repaired to France to arrange the preliminaries for the expected judicial duel, leaving the regency and the command of his recruited fleet and army in the hands of his eldest son, prince Charles of Salerno.

Martin IV., however, detected the trap laid for his friend. He prohibited the wager of battle upon pain of excommunication. The challenge, he said, was a delusion of the enemy of the Church—it was in itself an irrational mode of determining his rights; detrimental to the public peace, the welfare of his subjects, and his duties to the Holy See. The papal decree was published in all the churches of France; yet, it appears, without effect upon the vindictive spirit of Charles of Anjou. The pretensions of the rival claimants must, said the Pope, be decided by the Holy See; with that view he formally, and in virtue of his office as supreme judge of the controversy, declared Peter of Aragon an abandoned usurper, deriving a fraudulent title from the spurious issue of a prince accursed of the Church—one who had been judicially deposed, and, from that circumstance alone, rendered incapable of transmitting any title whatever to his descendants;[x] but irrespectively of his treasonable usurpation of the kingdom of Sicily, Peter of Aragon was a traitor to his liege lord the pontiff; inasmuch as that the kingdom of Aragon had been *from all times* a vassal-state of the Holy See; and so well known was this fact, that when king James I. was crowned by pope Innocent III., he solemnly deposited all the insignia of royalty in the hands of that pontiff, in dutiful recognition of the ancient dependence of his kingdom upon the See of Rome:[y] by the usurpation of

Martin IV. prohibits the duel.

[x] Manfred, through whom queen Constantia derived her title, was the son of Frederic II. by a noble concubine. He was educated at his father's court as one of the family, and was in some sort legitimatised by Frederic II., who included him in the succession in case of the failure of his other children and their issue. *Giannone*, Stor. Civ. di Napoli, lib. xxviii. § 1.

[y] The transaction alluded to occurred in the year 1204. Conf. *Cath. Petri*, Book xiii. c. v. p. 456 et sqq. There can be no question but that the ceremonies observed on that occasion wore a very significant appearance of an admission of vassalage, though probably nothing but a religious and spiritual dependence was intended by king James.

a kingdom appertaining to his liege lord he had committed a double treason, aggravated by the foulest dissimulation and fraud: this intrusion had been accompanied by deeds of inhumanity and murder, to which the annals of a depraved world offered no parallel; thereby sealing himself to the doom of temporal and eternal perdition: that sentence he (pope Martin IV.) now pronounced upon him, which was that he, his aiders and abettors in these his unspeakable crimes, be altogether accursed; that he be deposed from his throne and honours; that his subjects be released from their oaths of allegiance; and that the kingdoms of Aragon and Valentia be offered to any good Catholic of competent ability to occupy and hold them.[z]

He curses and deposes king Peter of Aragon.

A cardinal-legate was dispatched to the court of France with orders to give all possible publicity to this adjudication; and, as the representative of the lord paramount of the kingdoms of Aragon and Valentia, to offer the vacant crowns to king Philip III. of France for one of his sons. The offer was, however, clogged with many minute limitations to provide against the contingency of their merging by succession in the crown of France; and at the same time to serve as corroborative evidence of a tributary vassalage corresponding in all respects with that of the Apulian and Sicilian dependencies of the Holy See. It was stipulated that, if by any unforeseen contingency, such a union would in the natural course of things come to pass, the two tributary crowns should revert to the Pope in full sovereignty as the original donor: moreover, a condition was appended obliging the king at each succession in his own proper person to do homage and swear fidelity to the pontiff, at Rome, or wherever he might reside, and in testimony of vassalage to pay the annual sum of 500 livres Tournois by way of tribute into the papal treasury.[a]

Offers the crown of Aragon and Valentia to a son of Philip III. of France.

[z] The Bull of anathema and deposition is dated the 21st of March 1283. Conf. *Raynald.* ad an. pp. 552, 555.

[a] See the corresponding limitation in the feoffment of Charles I. of Naples, chap. iii. pp. 101, 102 of this vol. The

That kind of mental reservation common to persons conscious of the power to set aside inconvenient restrictions or limitations was more prevalent in the feudal ages than in the present more advanced stage of political morality. Far from objecting to the stringent terms of the Pope, Philip III. without hesitation embraced the brilliant prospect of family aggrandisement opened out to him; and his second son, Charles of Valois, was forthwith solemnly invested with the insignia of royalty as vassal-king of Aragon and Valentia.[b] The prelates of France were commanded to pay over to the new king the tenths collected for the holy war, for the equally meritorious service of the crusade against the heretical "usurper," Peter of Aragon: strict orders were given for the execution of the interdict upon his dominions, and the punishment of all recusant prelates and priests: and a proposed contract of marriage between Alphonso the eldest son of the king and Eleanora a daughter of Edward I. of England was annulled, and the nuptials strictly prohibited.[c] Besides this insulting interference with his family affairs, several causes of dissatisfaction subsisted between king Edward and the Pope. Martin IV. had refused to release him from his vow of pilgrimage to the Holy Land: the severity with which the tenths were levied, and their profligate diversion from their legitimate destination to serve the temporary purposes of the Holy See; and probably the ostentatious claim of sovereignty over the kingdom of England—all those causes together—gave deep offence both to the monarch and people of the country; and Edward testified his displeasure by cutting off the supplies derived

Financial embarrassments of the Holy See.

provisions for securing the payment of the tribute, and the reversionary clauses in case of non-payment or other failure in the performance of the conditions of the investiture, followed the former precedent very closely. The whole series of instructions to the legate is set out by *Raynald.* an. 1283, pp. 555 to 558.

[b] On the 21st of February 1283.

[c] Two grounds were alleged for this prohibition: 1st, that the parties were related in the fourth degree of consanguinity; and 2dly, that such a connection must under the actual circumstances amount to a breach of the fidelity due to the Holy See on the part of the vassal-king of England. See the papal rescript of the date of the 7th of July 1283, ap. *Raynald,* p. 559.

by the papal exchequer from the ecclesiastical revenues of the country, and seizing to his own use all the tenths collected within his dominions. The financial strings hitherto at the command of the Holy See had been stretched to the utmost; yet the necessities of Pope Martin IV. drove him to draw them still tighter. His treasury was drained to the last penny; yet the necessity of providing funds for the resuscitation of the naval and military power of the king of Naples was more imperative than ever. England had failed him at a pinch; the funds drawn from France had been appropriated to a different purpose; Scotland, Germany, Hungary, Bulgaria, still lay open to him; and the collectors were ordered to pay over every penny they could scrape together in those regions into the hands of Charles of Naples, for the service of the crusade against the "reprobate usurper," and the "sacrilegious rebels" of Sicily.[d]

The intended duel frustrated.

While the Pope was thus labouring in the cause of Charles of Anjou—even to the detriment of the separate interests of the Holy See—the latter had dispatched from France a numerous body of disciplined adventurers and mercenaries to reinforce his own levies in Calabria: ships had been built to replace those captured by the Aragonese; and every preparation within his restricted means had been made for a decisive effort to extinguish the Sicilian rebellion in the blood of the delinquents. But he was absent from his dominions, insanely intent upon wreaking his vengeance upon the body of his antagonist in single combat. The 15th of May, in the year 1283, was the day appointed for the appearance of both combatants in the lists prepared at Bordeaux at a certain hour. From some contingency —accidental or otherwise—Peter of Aragon did not arrive on the ground till some hours after the time named. Charles had taken his stand punctually; but after waiting a reasonable time for his adversary had ridden off the ground, and published his opponent a

[d] *Raynald*, u. s. pp. 560, 570.

coward and a miscreant. Peter claimed the like advantage over his antagonist; opinions were divided as to the party to whom the blame of the disappointment was to be imputed.[e] They who had promised themselves infinite amusement from the spectacle of a combat à outrance between two sovereign princes, were not the only sufferers. In the result the pursuit of his revenge proved disastrous to the king of Naples, and productive of decisive advantage to his enemy.

Victory of Roger di Loria and the Aragonese.

By this exploit of policy—if so it be—Peter of Aragon had gained time to place his fleet and army in an efficient condition. The forces assembled for the invasion of his new kingdom were indeed of a formidable description; but they had been improvidently left under the command of an inexperienced and headstrong youth. Martin IV. looked on with undisguised anxiety; and even took upon him strictly to prohibit any active steps against his able adversary till the return of the king from his protracted and ill-advised sojourn in France. Roger di Loria, the skilful admiral of Aragon—possibly aided by the experience of Giovanni di Procida—took up a defiant position almost within bowshot of the port of Naples, where his enemy lay with a fleet more numerous indeed, but of inferior quality and equipment to that of the blockading squadron. The insult was too glaring to be borne, and the fiery youth and his chivalrous companions in arms rushed to wipe out the disgrace in the blood of the insolent assailants. The battle was short and the victory of the Aragonese decisive. Few of the hostile ships escaped capture; a multitude of prisoners, and among them prince Charles himself, was secured; the surviving daughter of king Manfred and all the Sicilians confined in the dungeons of Naples were delivered to the victorious admiral under an order extorted by the fear of death from the captive prince. Every prospect of the reconquest of Sicily vanished, and a

[e] See the question ably discussed by *M. Sismondi*, Hist. de France, tom. iv. p. 44.

source of complications was opened which threatened the public peace for many a year to come.[f]

Destitution of Charles I. of Naples.

Charles I. of Naples returned to his dominions to find himself suddenly bereft of every means to restore his fallen fortunes. His coasts were laid open to his enemies, his fleets destroyed, his army unpaid, and the funds necessary to rebuild the former, and to maintain the latter, were not forthcoming. Every penny that his friend Pope Martin IV., with all his diligence and ingenuity, could collect had been already advanced to him for the conduct of the Sicilian war: the receipts from all remaining sources were absorbed by the expenses of reducing the insurgent cities of Campania and the districts comprised in the late cessions of the Emperor Rudolph. Rome itself was distracted by the rival factions of the Orsini and Annibaldeschi; the citizens of Urbino renounced their allegiance, and the insolence of those of Viterbo compelled the pontiff to take refuge in Perugia, a city but recently reduced to submission by the papal forces under the able management of their commander Giovanni di Esa. The municipalities of Romagnà were indeed gradually compelled to acknowledge the supremacy of the Holy See; and an attempt was made to appease the tumults in Rome by establishing a popular balance to the factious spirit of the aristocracy by granting the citizens an elective magistracy, the appointment of a special superintendent of supplies for the sustenance of the people, and submitting the choice of masters or syndics of trades and handicrafts to popular election.[g] The financial difficulties, however, remained unaltered. The wealthy republics of Pisa and Genoa were still at variance, and the expenses of the war absorbed all their resources both in men and money. Edward I. turned a deaf ear to the requisition of the Pope for the reimbursement of the confiscated tenths and the insolent demand of the arrears of tribute

[f] *Raynald*, an. 1285, p. 579; *Sismondi*, Repub. Ital. &c. tom. iv. p. 45.

[g] *Raynald*, an. 1284, p. 580.

due from the vassal kingdom of England. The tenths of ecclesiastical revenue, levied under the act of the council of Lyons for the succour of the Holy Land, had been but partially collected, and the proceeds miserably squandered in plots against the Byzantine empire. The spiritual privileges and indulgences scattered broadcast over Christendom had in a great degree lost their attractions; the funds—such as they were—which had hitherto flowed in from the outlying states of the Latin communion were exhausted; and both Pope and King were thrown back upon internal taxation, which—under the actual management—was not only unproductive, but added immeasurably to the impoverishment and discontent of the subject.[h]

Amid this scene of confusion and misgovernment king Charles I. of Naples passed from the stage. He died at Foggia in the Capitanata, on the 7th of January 1285, as much probably from the workings of vexation and disappointment upon an obdurate and irritable nature as from physical causes. His predecessor, Manfred, had fallen a victim to his plottings among the treacherous Apulians; and now we behold, throughout a reign of prosperous iniquity filling a period of nineteen years, the steps of Charles of Anjou dogged by an avenging Nemesis armed with the very weapons which had struck down his adversary. The profound craft, the wonderful ubiquity of Giovanni di Procida, the aptitude for conspiracy of the southern Italians—all these causes kept in silent fermentation by a burning sense of national wrong—brought down sudden destruction upon his wide-spreading plans of aggrandisement, and left him in a state of exhaustion, from which—to a man of his stamp and temperament—there was probably no refuge but the tomb. The death of Charles of Anjou was quickly followed by that of his patron Pope Martin IV. He died at Perugia, in the Passion-week of the year 1285,[i] leaving his reputation at the mercy of adversaries, from whom little mercy

Death of Charles I.

and of Pope Martin IV.

[h] *Raynald*, an. 1284, p. 584.

[i] 20th of March, according to *Ciacone*, ii. p. 234.

could be expected;[j] and on the following day a decrepit old man, Giacomo Savelli, cardinal deacon of S. Maria in Cosmedin, was chosen pope at Perugia, and afterwards consecrated at Rome by the name of Honorius IV. Every measure of the new pontificate was stamped with the same impress of political formalism as that of Martin IV. The profligate diversion of the funds appropriated for the deliverance of the Holy Land had given just offence in all quarters of Christendom. The remonstrances of the Emperor Rudolph against the grant to the king of France of tenths levied within his dominions for the service of the iniquitous war against the king of Aragon, were indeed disregarded;[k] but the campaign had failed; Philip III. had been ingloriously driven out of Catalonia; his fleet, moored in the roads of Narbonne, had been destroyed by the Aragonese admiral, Roger di Loria; and the king himself driven out of Spain with the seeds of a fever, which carried him off in the sixteenth year of his reign, and the forty-first of his age.[l] The expedition of Philip III. into Spain bore every mark of naked ambition—unless we accept the mandate of the Holy See as of efficacy to convert a political crime into a religious duty. Such, however, was the view taken of his measures by the See of Rome; and Philip III. narrowly escaped the honours of beatification.

Election of Honorius IV.

Death of king Philip III. of France.

The death of the devout son of Louis the Saint cast a deep gloom over the affairs of the Holy See. The Pope was burthened and embarrassed with the government of the kingdom of Naples during the captivity of the unfortunate son of the late king. Yet the war against the Sicilian rebels was not to be relaxed for an instant; the discontented subjects of the continental provinces of the Neapolitan

Difficulties and reforms of Honorius IV.

[j] The *Magdeburg Centuriators* have raked up from an obscure writer named Balæus a story seriously reflecting upon the moral character of Martin IV. He is said to have taken the mistress of his predecessor into keeping, &c. &c. *Cent.* xiii. c. 10, p. 1008, and c. 13, p. 1270. *Raynald* (ad an. 1285, p. 596) treats the whole story as a foul calumny.

[k] *Raynald*, an. 1285, p. 601.

[l] *Art de vér. &c.* tom. i. p. 587.

territory were to be reconciled to the burthens and privations to which the war, and the absence of a national government, exposed them; funds were to be raised and armaments to be fitted out with means so scanty as to be obviously unavailing against the determined patriotism of the Sicilians and the maritime ascendancy of their Aragonese protector. Yet all these objects the undaunted pontiff undertook to accomplish single-handed. He began his task by a revival of the "good laws" of the Norman king William II., jealously guarding himself against a shadow of approval of the legislation of the proscribed heretic and enemy of holy church Frederic II.,[m] by whom those laws had been revived and improved. Martin and Honorius had reprobated with equal acrimony every measure of the government of the "Apostate;" but none more emphatically than the laws which struck at the exorbitant immunities of the churchmen. The new code therefore carefully provided against a similar peril—in other words, it left the most crying of those abuses standing, and provided only a remedy for some of the minor evils of the despotism under which the country had groaned during the arbitrary and lawless government of the late king.[n]

Honorius IV. and the Sicilian rebels.

The Sicilian rebels were excluded from the benefit of these reforms, such as they were. But of this exclusion, and the reiterated curses by which they had been consigned to the lowest Tophet, they took no account. In the year 1285, and little more than a month after the demise of his rival Philip III. of France, king Pedro of Aragon sunk into his grave.[o] In conformity with the will of the deceased prince, his second son Don Jayme was pro-

[m] The laws of Frederic II. were founded on the code of the laws and customs of the kingdom compiled by William II. Conf. chap. ii. pp. 51, 52 of this vol.

[n] Conf. the documents relating to the law-reforms of Martin IV. and Honorius IV. ap. *Raynald*, an. 1285. pp. 603 to 610. Compare the concluding remark of *Giannone*, Storia Civile di Nap. &c. chap. ix. sect. 2. It is hardly possible for us in these days to conceive an idea of the venom which distils from the pontifical documents of the age against the fallen race of the Hohenstauffen. The traditional policy of those princes formed in fact a standing protest against some of the vital principles of the pontifical scheme.

[o] On the 10th of Nov. 1285.

claimed and crowned king of Sicily at Palermo. Such was the discredit into which the mandates of Rome had fallen in the island, that the clergy, in contempt of the impending anathema, hastened to assist in the coronation of their hereditary sovereign. The officiating bishops were of course smitten with the direst penalties of the pontifical vengeance, yet without producing any visible impression on the impenitent Sicilians and their king. But at this period the thunder-clouds of pontifical wrath were in a chronic state of electric discharge. Honorius IV. turned a deaf ear to the solicitations of Alphonso of Aragon for reconciliation with Rome: no conditions were listened to, short of a naked abdication and surrender of the crowns of Aragon and Valentia; the son of the recreant Pedro must descend from the forfeited throne, or perish. The reply of the pontiff ignored even the existence of a kingdom of Aragon and Valentia in any other hands than those of Charles of Valois; the new king of France Philip IV., surnamed Le Bel, was commanded to wage unrelenting war against the rebel Alphonso, and forbidden to lay down his arms till he should have released the captive king of Naples from bondage, and placed the crown of the two Spanish kingdoms upon the head of his brother.[p] An attempt on the part of Edward I. of England to mediate a peace between his cousin the king of Aragon and the court of Rome had met with a rude rebuff. But Alphonso was more familiar with Roman practice than his distant relative. He knew that an accomplished fact had greater weight with the Holy See than negotiations, in which she felt her strength. But Edward I. was sincerely desirous to effect the liberation of king Charles II. of Naples; and under his mediation terms were proposed and accepted on both sides. The Pope was of course no party to the convention; but the result could not be unwelcome to him: a papal legate was even said

Edward I. of England mediates a peace between the kings of France and Aragon.

[p] *Raynald*, an. 1286, p. 5; *Rymer*, vol. i. pp. 672, 673; and conf. *Pauli*, Gesch. Engl. vol. iv. pp. 42, 43.

to have been present during the negotiations; and it is highly probable that Pope Honorius proposed to himself to reap the advantage of the treaty without troubling himself about the conditions. Those conditions were in fact of so hard a nature as to try the good faith of the king of Naples to the uttermost: he ceded the island of Sicily, together with the continental province of Reggio, the adjacent islands, and the tribute paid by the Saracen kingdom of Tunis to Don Jayme, brother of Alphonso and actual king of Sicily; he recognised the title of the latter prince to the kingdoms of Aragon and Valentia and the Balearic islands; he bound himself to deliver into the hands of Alphonso his three sons, together with sixty high-born subjects of his Provençal domains, as hostages for the performance of his covenants; he engaged to pay his captors the sum of 50,000 marks, for 20,000 of which Edward I. of England agreed to become security to the king of Aragon; and lastly, he engaged within a limited period to procure from the Pope a reversal of the pontifical censures against Alphonso, and the recognition of the latter as legitimate sovereign of Aragon and Valentia, and of his brother Jayme as the undisputed sovereign of Sicily.[q]

The Pope abrogates the treaty, and absolves Charles II. from its obligations.

Upon these terms Charles II. of Naples was released from captivity. But his position was not changed greatly for the better. He was now the helpless tool of the Holy See; and, perhaps with the best intention to fulfil his engagements, altogether dependent upon his pontifical patron for the means of carrying on his government, and destitute of a penny to defray the sum to which the stipulated ransom amounted. The Pope was deeply engaged to Philip IV. of France; he was convinced that that prince had not abandoned the ambitious design of his father of adding the two Spanish crowns to the dominions of his family; nor was he inclined to relinquish the advantage to be derived from the anxiety of the king of Aragon for the recognition

[q] *Rymer*, tom. i. p. 677; *Raynald*, an. 1287, pp. 19, 20.

of the Holy See, and his readmission into the list of Catholic princes. Acting upon these considerations Pope Honorius published a verbose manifesto, in which he declared his client Charles II. of Naples absolved from the "nefarious" engagements into which he had been seduced, and absolutely forbade the execution of any one of the articles of the late treaty; adding, however, at the conclusion of this singular document, that if indeed Alphonso, Jayme, and their mother Constantia, were sincerely desirous of a reconciliation with holy church, he would not close the door of grace against them for the sole advantage of king Charles.[r]

Death of Honorius IV. Interregnum. Election of Nicolas IV.

Honorius IV. closed his short reign of only two years and one day on the 3d of April 1287. The meetings of the sacred college for the election of a successor were broken up by a contagious disease which carried off several of the cardinals. The surviving members of the conclave suspended their meetings for a period of ten months and two days; at the expiration of which time, however, they gave a unanimous vote in favour of Jerome, cardinal bishop of Prænestе, and enthroned him by the name of Nicolas IV. It is surprising how little change in the modus operandi of the court of Rome was, upon the whole, produced by the frequent successions which occurred during this period. Nicolas IV. followed almost servilely in the footsteps of his predecessors. He lavished menaces against Don Jayme of Sicily; he renewed the grant of the tenths to Philip le Bel of France for the prosecution of the crusade against Alphonso of Aragon; he launched a furious invective against the late treaty of liberation; but, with all this, he confined his strictures rather to measures than men, and like his predecessor prudently abstained from shutting the door of reconciliation so closely as to leave no possible basis for future negotiation. One of the earliest steps of his administration was a revocation of the anathemas of his predecessors against the people of Sicily; he published

[r] *Raynald*, an. 1287, pp. 20, 21.

an edict of amnesty and oblivion in favour of all who should afford practical proofs of repentance; and promised that thenceforward no Frenchman should be admitted to hold office, trust, or dignity within the island or in the government of the country.[s]

But promises and threats were equally unavailing to shake the loyalty of the Sicilians. Little account was taken of the thunders of Rome; the war in Calabria was carried on with vigour and success; the fleet and army of Don Jayme ventured to lay siege to Gaeta, and to the dismay of the Pope and the French party in Naples, Charles II. concluded a truce for two years with his rival, with a view to allow time for the subsidence of those passions which threatened to perpetuate useless and destructive hostilities. But the progress of events, which seemed to point to a peaceful conclusion, was interrupted by casualties which changed the current of public affairs. The truce, however unpalatable to the Holy See at first, was not wholly unproductive of advantage. Alphonso of Aragon writhed under the curse of Rome and anxiously cast about for the means of reconciliation. To any negotiation with that view the pontiff, king Philip le Bel, the king of Naples, and the French prince Charles of Valois must be parties. He caused it to be understood that he was ready to abandon the protection of his brother king Jayme of Sicily, and upon these terms the confederate princes agreed to renounce their pretensions to the crowns of Aragon and Valentia, and ultimately to procure his restoration to the favour of the Holy See. But this agreement fell to the ground by the sudden death of Alphonso himself; an event which opened the succession to his brother the rebel king of Sicily. Pope Nicolas IV. hastened to forbid the Aragonese to accept Don Jayme as their king: the prelates of the kingdom were commanded to refuse him every kind of spiritual ministration or obedience, and he himself was strictly enjoined to abstain from taking on

Sicilian and Spanish affairs.

[s] *Raynald*, an. 1283, p. 51.

himself the government of a country of which, for his sins, he and his ancestors had been deprived by the Holy See.[t]

England and the Papacy in 1291.

But the thunderbolts of Rome were launched in vain against the loyal Aragonese. Don Jayme had already been joyously welcomed by his new subjects, and crowned at Saragossa amid the acclamations of clergy and people.[u] The work of the Holy See had to be done over again with restricted means and declining credit. The prosecution of the war against the Aragonese was made to depend upon a further grant of the tenths of ecclesiastical revenue to king Philip le Bel of France. But the revenues derived from this source had almost altogether failed. The flagrant misappropriation of a sacred fund to objects of a purely papal interest had created universal disgust. As long as the princes of Europe could calculate upon participating in the plunder of the churches, they thought it expedient to display some degree of zeal for the liberation of the Holy Land. Philip of France had enjoyed, and Edward I. of England had seized and consumed his share of the booty.[v] That prince had indeed signified his readiness to lend his aid for the rescue of the suffering Christians of Palestine if he could obtain the promised subsidies upon his own terms.[w] But both Nicolas III. and his successor Martin IV. had expended every penny of the funds in possession and in anticipation upon the Sicilian war; and Edward had, by way of precaution against a similar misapplication of the sums levied within his dominions, seized the proceeds of the collection in the hands of the papal receivers; and borne the acrimonious rebuke of Rome for this "sacrilegious robbery" with surprising equanimity.[x] The Holy See, however, could not afford to push matters to extremity with the self-willed monarch of England; and when importuned

[t] The document is dated from Viterbo, August 1, an. 1291. *Raynald*, ad an. p. 116.

[u] On the 6th of Sept. 1291.

[v] Conf. p. 255 of this chap.

[w] See the rescript of Nicolas III. an. 1288, p. 482.

[x] *Raynald*, an. 1283, p. 572.

by Nicolas IV. to hasten, in conformity with his vow, to the rescue of the last remaining possession of the Christians of Syria, Edward I. made it a condition that, for the expenses of the expedition, all the tenths collected within the kingdoms of England and Scotland for the term of three years should be paid into his exchequer in a single payment; and that the Pope should engage for the simultaneous embarcation of all the powers of the West upon the holy enterprise.[y] Nicolas IV. was in no condition either to accept or to decline this perplexing proposal. He therefore made his consent to these terms dependent upon the redress of numerous grievances he had to complain of against the king: the Peter's pence which had once flowed so freely from England had been withheld: the annual tribute of 1000 marks had remained unpaid for a period of three years: a mortifying check had been opposed to the provisions, expectatives, and reservations which had been hitherto so dutifully submitted to: numerous invasions of the ecclesiastical liberties had been permitted or sanctioned by the king's government and subjects:[z] for instance, when papal bulls or letters apostolical arrived in England touching matters cognisable only by the ecclesiastical courts, royal writs were issued by the king's judges prohibiting the reception of these documents: under these writs arrests and lengthened imprisonments of ecclesiastical persons were events of frequent occurrence: clerks and others were detained in dungeons to prevent them from carrying their causes to Rome, whether by way of appeal or in obedience to pontifical citation: generally, that the civil courts had assumed a jurisdiction over ecclesiastical persons which belonged exclusively to the courts Christian, and must therefore be regarded as a daring invasion of the liberties, and contempt of the sacred laws of the church. All such abuses, the Pope declared, must be put an end to, and the supremacy of the canon law reëstablished without delay, any secular laws or customs to the contrary not-

[y] *Raynald*, an. 1289, p. 72. [z] See *Pauli*, Gesch. Engl. vol. iv. p. 52.

withstanding: a threat was added, that in case of a recurrence of the like enormities the judges and officers of the offending courts would be proceeded against with the utmost severity of the canons.[a]

Loss of Palestine—Papal agitation for the reconquest of the Holy Land.

Amid these hesitations and bickerings the appalling news arrived of the loss of Acre, the last possession of the Christians in Palestine. On the 18th of May 1291 the city was taken by storm by the armies of Kalil-Assraf, sultan of Egypt, after a siege of forty-four days. The story of the ruthless massacre of the defenders and citizens was listened to at first with feelings of shame and indignation, which, however, quickly subsided into indifference. With the extinction of the power of the Christians in the East the spirit of the crusade itself died out everywhere but in Rome. Pope Nicolas IV. indeed exhausted his rhetoric on the courts of France and England to induce them to redeem their vows for the relief of the Christian remnant that still adhered to their miserable domicile in Palestine. In vain he called upon king Philip le Bel to restore the tenths he had received for the service of the Holy Land to their original destination, or at least to permit the survivors of the massacre of Acre to receive them. In vain he summoned Edward I. of England to the field in fulfilment of his repeated engagements. Edward took care not to deny the obligation; but accompanied the acknowledgment with conditions either impossible or so unpalatable to the court of Rome that he could safely reckon on their rejection. He demanded as a preliminary to his movements that the tenths of all ecclesiastical estates situate within those states and principalities of Christendom which should not take an active part in the expedition, should be paid over to him; and that all persons who had taken the cross should be compelled on pain of anathema to redeem their vows. The reply of the pontiff was not deficient in eulogies of the ostensible zeal of the king; but Nicolas took care to inform him that the tenths in hand were already anticipated by

[a] The "letters apostolical" are dated from Rome on the 20th May 1290.

previous grants to the king of France for the use of the crusade against the Aragonese intruder; and as to future collections, he observed, the prospects were too discouraging to lead to any hope of an adequate supply from France, Germany, Spain, or the nations of the north.[b]

Pope Nicolas IV. and Edward I. of England.

Every power of the mind of Edward I. was at this point of time engaged in the reduction of Scotland to the condition of a vassal state of England. The parties contesting the crown of the northern kingdom had formally acknowledged him as the arbiter of their claims. The Pope was solicited to give his sanction to the treaty of submission; Nicolas, however, refused to make the Holy See a party to any transaction that might affect the rights of the crown of Scotland. This rebuff, coupled with the perseverance of the court of Rome in demanding the arrears of tribute due from the kingdom since the reign of king John, inflicted a fresh wound upon the proud spirit of the king of England; and—perhaps in a temper of sarcastic retaliation—he proposed to the Pope to transfer the burthen of the annual tribute of 1000 marks from the state to the churches of the realm. The irritating intrusion of papal bulls impeding the administration of justice, and in many instances reversing the operation of the laws, had perplexed the government, exasperated the people, and suggested legislative checks for arresting the progress of canonism, and securing the victory to the municipal laws and customs of England.[c]

Nepotism and corruption of Nicolas IV.

Throughout his pontificate Pope Nicolas IV. had striven hard for the reduction of Sicily, and, subject to the promotion of the interests of his private friends and relatives, had expended the funds at his command with a view to the deliverance of the Holy Land. The administration of the provinces was intrusted to his nephews, the cardinals Giacomo and Giovanni Colonna, and other members of his family:

[b] Conf. *Raynald*, an. 1292, pp. 127, 128.

[c] For the documents and observations upon which this epitome is grounded, see *Raynald*, an. 1292, pp. 128, 129.

places of power and emolument were lavishly bestowed upon them, their partisans and adherents; and the disappointed expectants of court favours revenged themselves by a burning satire upon the favourites and their patron.[d] Pope Nicolas IV., however, died on April 4th, 1292, after a reign of four years one month and fourteen days. The parties in the sacred college were at this moment so nearly balanced that the requisite majority was unattainable. The partisans of the Orsini desired the elevation of a Frenchman; those of the Colonna repudiated the overbearing influence which already threatened the independence of the Holy See;[e] and the chair of Peter remained vacant for a period of two years and three months. The enmity of the chiefs was propagated to the people and state of the church; and the city of Rome became the arena of sanguinary faction-fights which set all social order at defiance. These broils flourished in that genial soil during the years 1292 and 1293, till by a compromise between the contending factions the senatorship of the city was shared by two magistrates, one from either party. Three of the twelve cardinals kept their posts at Rome; the remaining nine had removed to Perugia. Here they received a visit from king Charles II. of Naples, then on his return from his Provençal dominions. The French prince saw his advantage, and by working upon their fears lest their Roman colleagues should take the election into their own hands, prevailed upon them to exclude the members of their own body from candidature, and to elect a stranger to the parties which had stood in the way of every scheme of accommodation hitherto suggested. With that view they cast their eyes upon the humble Calabrian hermit Pietro Murone, a

Death of Nicolas IV.—long interregnum.

Compromise and election of Pietro Murone (Cœlestine V.).

[d] A drawing was found affixed to the walls of the papal palace representing the mitred head of the Pope peeping out of the top of a column (columna) flanked by two lower columns representing the two cardinals Giacomo and Giovanni, with an inscription "Initium malorum" over the principal (papal) column. *Art de vér. l. d.* tom. i. p. 307.

[e] The sacred college consisted at the death of Nicolas IV. of six Roman, four Italian, and two French cardinals.

person devoted from his earliest years to an austerity of practice which in that age of religious formalism had gained him the reputation of sanctity. But it is probable that his extreme simplicity and ignorance of worldly affairs were stronger recommendations than his pious asceticism. Both factions were prepared to take advantage of the self-confessed incompetence with which Pietro ascended the throne. Disdaining the pomps of his new dignity, he rode from his hermitage in the further Abruzzi into the neighbouring town of Aquila mounted upon an ass, while the two kings of Naples and Hungary held each a rein of the humble animal he bestrode. Here he assumed the name of Cœlestine V., and summoned the sacred college to attend and escort him to Naples, where he signified his intention to take up his abode, far from the troubles and annoyances to which a residence among the turbulent Romans must expose him. This first step of the new pontiff seemed to announce the triumph of the party hostile to that of the late Pope, and his kindred, the Colonna: Cœlestine V., they believed, had thrown himself into the arms of the Gallic faction: the earliest acts of his pontificate confirmed the impression, and ruined his reputation for impartiality and capacity for government: he created twelve new cardinals, of whom seven were Frenchmen, and five Italians; the latter, the notorious friends, and probably the nominees of the king of Naples. It is difficult to say whether this or the next act of the new reign was the more offensive to the sacred college. Cœlestine reënacted the celebrated ordinance of Gregory X. for removing those worldly influences and passions from the mind of the electoral body, which had tended perhaps as much as any other cause to lower the influence of the papacy, and to promote intestine disorder in the state of the church. Connected with the preponderance secured to the Gallic party by the late numerous additions to the numbers of the sacred college, the revival of the ordinance of the conclave was more likely to strengthen than enfeeble the French influence in the government. For the moment,

His incompetency.

in fact, the management of pontifical affairs had fallen into the hands of king Charles II. of Naples and his French allies. Cœlestine withdrew himself as much as possible from his temporal duties, to indulge, in a remote apartment of his palace, in those exercises of contemplative devotion for which his religious training had adapted him.[f] The conduct of the war for the recovery of Sicily was abandoned to the king and his foreign allies.

King Jayme of Sicily betrays his Sicilian subjects.

Meanwhile the succession to the crown of Aragon had devolved upon the king of Sicily; and Jayme left his island-kingdom, and the charge of the war, to his younger brother Frederic, under the tuition of their mother, the daughter of Manfred. But at the moment of his accession the new king of Aragon found himself involved in perilous warfare with his powerful neighbour Philip le Bel of France, while hampered with the defence of his transmarine kingdom. On the other hand, the promotion of French interests in Italy, and an impending war with England, inclined Philip to rid himself of the obligation of defending the groundless claim of his brother Charles of Valois to the crown of Aragon. The opening for negotiation was embraced by both parties, and a bargain was struck by which the French prince abandoned his pretensions to the Spanish crown, and Jayme abdicated that of Sicily in favour of Charles II. of Naples; basely engaging to lead fleet and army to expel his mother and brother from their inheritance, and to deliver over his subjects, with all their acquisitions on the *terra firma* of Calabria, into the hands of their old oppressors. In consideration of these concessions Philip and his Neapolitan ally agreed to move the Pope for a plenary absolution from the spiritual censures incurred; coupled, however, with an unconditional amnesty to the Sicilian rebels.

Triumph of the French party.

The French party was triumphant in the court of the incompetent pontiff. Nobody believed that the foreigners now in power had abandoned their revenge for the slaughter of their

[f] Conf. *Raynald*, an. 1294, p. 154.

countrymen, scarcely twelve years before. At their suggestion Cœlestine declined to remove the censures incurred by the king of Aragon until he should have consummated his treason to his late subjects by some effectual naval or military achievement in performance of his sinister engagement.[g]

Benedict Gaetano and Cœlestine V.

The elevation of Cœlestine V. to the papal throne had been the manifest result of a compromise between the parties in the sacred college, which they severally expected to improve to their own advantage. From the moment of his accession the Pope had passively resigned himself into the hands of the French party, and retired to his cell in a remote wing of his palace to indulge in the accustomed exercises of solitary devotion. Every suggestion of his advisers was adopted with an indolent facility. Places, diplomas, offices of trust and emolument were lavished on them or their dependants; and a load of obloquy cast on the giver by all who had not partaken of his thoughtless bounty, yet without engaging the gratitude of the recipients themselves. The most honest—if there were any such—of the pontifical court adopted the opinion that Cœlestine was incompetent to the government of the Holy See. Others were at hand to make ample use of the growing conviction. Among these the cardinal Benedict Gaetano —a creation of Martin IV.—was more specially qualified by nerve and cunning to make the most of the opportunities which the imbecility of the reigning Pontiff presented. Relying upon the simplicity and pious facility of Cœlestine, he undertook to procure his resignation, trusting to his own unmatched talent for intrigue to turn the result to his own advantage. Cœlestine himself was profoundly conscious of the truth of the allegation of unfitness industriously propagated by his designing minister. Within the early days of his pontificate he had expressed his desire to resign a burthen which distracted him from the care of his soul's welfare; and he was withheld from abdicating the papal throne

[g] *Raynald.* an. 1294, p. 150.

only by a conscientious doubt of the lawfulness of the act. Benedict Gaetano undertook the task of removing this scruple. Seconded by the avowed inclination of the weary recluse himself, the task proved of easy execution; Cœlestine gladly placed his resignation in the hands of the sacred college, and retired to his cell. But Charles II. and the French party could not reconcile themselves to the loss of so convenient an instrument as the Pontiff had proved in their hands. He was assailed in his solitude by a strong remonstrance on the part of the King and clergy of Naples against the unlawfulness of his abdication. The resolution of Cœlestine was shaken for a moment; but the stern rebuke of his brethren of the sacred college—the suggestion that the retractation of so solemn an engagement must endanger his salvation—brought him back to his prior determination; and on the day following that on which the legality of the proceeding had been discussed in full congregation and decided in the affirmative, he formally stripped himself of the papal vestures, and resigned the pontificate into the hands of the cardinals, with full power to proceed to the election of a pontiff to fill the vacant chair.[h]

Abdication of Cœlestine V., and election of Benedict Gaetano as Boniface VIII.

An eye-witness of this singular transaction informs us that the formula of abdication was drawn up by Cardinal Benedict Gaetano; and that he was from beginning to end the confidential adviser of the feeble victim of his intrigues. Later writers charge him with juggleries calculated to work upon the superstitious fears of the simple hermit.[i] Be this as it may, there is

[h] The terms of the abdication are worth insertion. They run as follows: "I, Cœlestine V., bishop of the holy Roman Church, being thereunto moved by good and sufficient considerations, for the exercise of humility, the desire of a more perfect life and an undefiled conscience, and because of the infirmity of my body, my want of knowledge, and *the evil passions of the people*, as well as the hope of returning to the tranquil habits of my former life, do, of my own free and unconstrained will, abdicate the papacy, and expressly renounce its place and dignity, its burthens and its honours; hereby imparting full powers to the holy college of cardinals to proceed to the canonical election of a pastor of the Universal Church." *Raynald.* an. 1294, pp. 155, 156.

[i] *Ferrato Vicentino* (ap. *Murat.* Ss. Rr. Ital. tom. ix. p. 966) affirms that a voice was conveyed to his cell by

no doubt that pope Cœlestine honestly believed that he had done his duty by the Church; and that the best mode of serving her interests and his own was by devoting the remainder of his days to those exercises of piety and self-discipline to which he had taught himself to look forward as the prelude of a blissful hereafter. But this happiness he was not destined to enjoy. The dangerous doubt as to the legality of his abdication still entertained by the court and an important section of the clergy rendered him an object of jealous suspicion to the successful party. In the interim the cardinal Benedict had adroitly managed to persuade the king not only that Cœlestine was not a fit instrument for working out his designs, but that he, Benedict, could render him much more important services if by his (the king's) influence he were raised to the pontifical throne; that, in short, if Charles would place at his command the suffrages of the twelve members of the sacred college nominated by Cœlestine at the king's suggestion, he would be in a position to place all the powers of the Holy See at his disposal. This was the last scene of the comedy; the votes were given, and the unanimous choice of the conclave fell upon the contriver and mover of the intrigue. Cardinal Benedict Gaetano was elected and consecrated under the name of Boniface VIII.[j]

means of a tube, commanding him to persevere in his resolution on pain of perdition. *Raynaldi* is bitterly indignant at the slander thus cast upon the memory of pope Boniface VIII. But instead of attacking the real originators of the libel, he falls foul of the Centuriators for propagating it. Conf. Ann. Eccl. an. 1294, pp. 157, 158.

[j] The election took place on the 24th December 1294, only eleven days after the abdication of Cœlestine V.; that Pontiff having sat only for the short period of five months and nine days. *Raynald.* u. s. p. 158.

CHAPTER VII.

PONTIFICATE OF BONIFACE VIII.

Plans of Boniface VIII.; his coronation; his character—He imprisons Cœlestine V.—Boniface VIII. and king Charles II.—Overtures of Boniface to the Sicilians; rejected by them—Embassy of the Sicilians to Don Jayme of Aragon —Proposals of Boniface to the Sicilians; rejected—Wrath of Boniface—Excommunication of the Sicilians; they crown Frederick king—Boniface offers Sardinia and Corsica to the king of Aragon—Terms of the proposed cession—Result of the alliance between the Pope and the king of Aragon—Difficulties of Boniface in Italy—Gradual changes of times and interests—Symptoms of the declining influence of the papacy—State of public opinion —European affairs—Insolence and treachery of Philip le Bel—War between England and France—League against France—Alarm of Boniface VIII.—His successful measures to dissipate the league—Grievances of the Holy See —The Bull "*Clericis Laicos*"—Character and drift of the Bull—Publication of the Bull in England; its reception in France—Position of Boniface VIII. abroad and at home—Rebellion of the Colonna—The *Liber Sextus Decretalium*—Boniface VIII. the advocate of peace—Difficulties of the treaty—Adoption of the papal basis—Terms and character of the treaty—Revival of discord between the Pope and Philip IV.—Boniface VIII. claims Scotland as a fief of the Holy See—Violent policy of Boniface VIII.—Changes in the relative position of princes and subjects—Rigid policy of Rome—Pope Boniface disregards the signs of the times—Edward I. rejects the papal summons —Sicilian affairs—Successes of the insurgents—Improving prospects—Institution of the Jubilee—Success of the Jubilee—Violent measures of the Pope; their result—Value of the papal claims to the services of the king of Aragon —Expedition of Charles of Valois into Italy—Operations of Charles of Valois in Italy—Successes of Charles—Position of the papacy with regard to the outlying States of Christendom—Pope Boniface in the affairs of Hungary—State of Germany; Adolphus of Nassau—Albert of Austria and the Pope—Rebellion of Albert; death of the emperor Adolphus of Nassau—Rage of Boniface VIII.—Albert defies the Pope and defeats the great prelates—Mandate of Boniface to the princes of Germany—Approximation of Albert of Austria and Philip of France against the Pope—Fresh causes of quarrel between Philip le Bel and the Pope—General and special causes of quarrel——Invective of the bishops of Pamiers—Wrath of Boniface—the Bull "*Ausculta Fili*"—The Pope convokes the clergy and laity of France against the King—Futile explanations of the Pope—Meeting and reply of the States-General of the kingdom—Remonstrance of the barons and petition of the clergy to the Pope—Change of public interests and opinion adverse to the papacy—Boniface VIII. against the non-intercourse decree—Publication of

the Bull "*Unam Sanctam*"—Substance and purport of the Bull—Malevolence of the Pope; retaliatory measures of the King—Boniface proposes terms of reconciliation to the King—Reiterated remonstrance of the French clergy—Reconciliation of Boniface with Albert of Germany—Abject submission of Albert—He acknowledges himself a vassal of the Holy See—Causes of subserviency—Demands of the Pope—Philip le Bel brands Boniface as a usurper and false Pope—Retaliation of Boniface—The Pope a prisoner; his release; and death—Character of Boniface VIII.

THE accession of Boniface VIII. may be regarded as the initiation of a new era in papal history. The objects which the new Pope proposed to himself at the outset of his pontificate are broadly stated by his apologist, Raynaldi.[a] "His mind," says that writer, "embraced the universe: he proposed to accomplish, first, the pacification of Italy; next, to bring back Sicily to her allegiance to the Holy See; to establish a firm league between the French and Spanish nations; to reconcile the kings of France and England; to restrain the emperor Adolphus of Nassau from molesting his neighbours; and, lastly, to reunite and direct the military powers of the Christian world in a firm league to drive back the schismatic Greeks into subjection to the Roman Church, and to make that reunion the stepping-stone to the recovery of the Holy Land, lost by the pernicious dissensions of the Western nations." The principle, however, upon which he relied for the success of this comprehensive plan was no longer equally applicable to the state of public opinion as in the age of his predecessor and prototype Innocent III. "We do hereby," he said, in a document which must shortly fall under our notice, "pronounce, testify, and declare, that it is necessary to salvation that every human being should be subject to the Roman Pontiff." Unfortunately for himself, his pontificate forms a standing commentary on this startling axiom. His coronation was performed with more than the customary shows and pomps of that ceremony.[b] The grossest of the fictions which form a principal ingredient in the

Plans of Boniface VIII.

[a] Ad an. 1295, p. 164.

[b] Conf. *Cath. Pet.* Book xiii. c. 3, p. 371. For a grandiloquent account of the ceremony see the poetical record inserted at length by *Raynaldi*, an. 1295, pp. 165 to 169.

witches' cauldron of Roman tradition were imported into the pageant with ostentatious audacity: the act of consecration transferred the crown of Constantine the Great, with all its prerogatives of universal empire, to the head of the successor of Sylvester: the Pontiff was thereby inaugurated as spiritual and temporal autocrat of the world—the former power as derived from Christ Himself; the latter from the absolute donation and resignation of the last of the Western Cæsars:[c] and, in conformity with the supposed precedent, the two tributary kings of Hungary and Naples performed the menial office of bridle-groom to their new master.

His coronation.

There were points of resemblance in the characters of Boniface VIII. and Innocent III. Both were endowed with undaunted courage in the encounter with the outer world; both proposed to thrive upon the fermentation of the vulgar elements of secular power: "The Church," says Boniface, "profits by and amid the disturbances of the world; relying upon the Divine protection, she is neither deterred by the noisy threatenings of the worldlings, nor cast down by the impact of temporal adversity: the reverse of this—she is all the more confident under misfortune; when most sorely beset she most surely prevails—when most suffering she is the more certainly triumphant."[d] But here the analogy between the characters of the two princes of the church failed. The mind of Boniface conceived the end and aim of his government with clearness and precision; but his impetuous spirit neglected or disdained that circumspection with which his great predecessor took measure of the means at his disposal: he was unendowed with the discernment neces-

His character.

[c] "Hæc (insignia) Romana tenens quondam fastigia Cæsar,
Imperitans mundo magnus pietate monarcha
Constantinus apex statuit, tum primus in orbe:
Fonte sacro purgatus herus, proprium sibi regnum
Seu Phrygium manibus Sylvestri in vertice pressit;
Officiique homilis gessit stratoris, ab ipso
Mundatus lepra monitus per somnia princeps," &c.
See the doggrel ap. *Raynald.* ubi sup.

[d] See letters of Bon. VIII. ap. *Raynald.* an. 1295, p. 170.

sary to deal with the altered circumstances of the age. He began his reign with an outrage which cast a deep shade upon his reputation, and alienated the affections of every right-minded observer. His apprehensive ambition could not tolerate even a possible rival: he could not pardon the meek and harmless Pietro Murrone for having sat for a few months on the pontifical throne. He was aware that there was a strong undercurrent of disapprobation of the means by which he had risen, and of conscientious doubt of the lawfulness of the resignation of his predecessor. As long as Pietro lived at large he felt his throne tottering under him. He imprisons Cœlestine V. The hermit, in the interim, had hurried back to his solitude in the Abruzzi, to spend the remainder of his days in the exercises of peaceful devotion. A band of papal soldiers rudely tore him from his retreat, and hurried him off to the castle of Fianone in Campania, where he was shut up in a dungeon so narrow that he could scarcely stretch himself at length, and so noisome as to deter his friends from visiting him in his affliction. This foul treatment and the cruelty of his jailers soon put an end—as it was intended to do—to the aged sufferer's days, and the fears of his persecutor. No objection was, however, taken to his dying in the odour of sanctity, and two cardinals were deputed to officiate at his obsequies. He was buried with ceremony in the convent of his order at Ferentino in Campania.[e]

Boniface VIII. and King Charles II.

Boniface VIII. treated his feeble client Charles of Naples as a dog-breaker treats his whelps. He reminded him fiercely that by allowing the tribute due from the kingdom to fall into arrears he had *ipso facto* incurred the penalty of excommunication. The King humbly kissed the rod; by great exertion he paid up the sum required, and meekly sued for a remission of the penalty. But the Pope soon had occasion for his services; and, after this proof of his docility, he could afford to resort to a

[e] *Raynaldi* (an. 1295, p. 174) tells the revolting story without remark or comment.

more indulgent treatment. Cœlestine V. had fixed the term of three years for the performance of the treaty between Jayme II. of Aragon and the confederate kings of France and Naples. His successor was anxious to accelerate the surrender of the island of Sicily, and with that view granted absolution to the king of Aragon. He even proposed that he should marry a daughter of Charles of Naples; and that the eldest son of the latter should take to wife Yolanda, the sister of Jayme II. Moreover, to enable Charles to coöperate with the king of Aragon in the execution of the late treaty, Boniface VIII. advanced him considerable sums of money, and made over to him the tenths of all ecclesiastical revenue for the use of the crusade against the Sicilians.[f]

Overtures of Boniface to the Sicilians.

But the Sicilians neither trusted the promises nor feared the menaces of the patron of their late oppressors. It was difficult to persuade them that the latter had dropped all thoughts of revenge for the slaughter of their countrymen; and no sooner had Don Jayme quitted the island than they hailed his youthful brother Frederic regent of the kingdom. Meanwhile the imperious temper of pope Boniface at every step endangered the success of his most cherished projects. He capriciously insisted upon the restoration of the Balearic islands to the exiled king Don Pedro of Aragon; and cancelled, at the instance of Philip le Bel, the decree of the states of Catalonia, annexing the islands to the county of Barcelona as part and parcel of the kingdom of Aragon.[g] But he strove to compensate the disadvantage likely to result from this rash act by direct approaches to Frederic, the regent of Sicily. The prince was persuaded to agree to a personal conference with the Pope, and to listen to the solicitations and promises of Boniface at least with patience and respect. The Pontiff laid before him the hopelessness of further

[f] *Raynaldi*, ibid. p. 180.

[g] Don Pedro was the uncle of Don Jayme II., and had adhered to the papal party throughout the Sicilian wars. The decree revising the act of the states is dated the 24th June 1295. *Raynald.* an. p. 181.

resistance: the arms of the monarchs of France, Naples, and Aragon, he said, were arrayed against him; to these powers he had nothing to oppose but the inconsiderable numbers and feeble means of his Sicilian adherents. He promised him the hand of Catherine, the titular heiress of the last Latin emperor of Constantinople, and engaged to unite all the powers of Europe in a combined effort to reconquer the Eastern empire for his benefit; and as an earnest of his sincere desire for reconciliation with the Sicilians, he sent the archbishop of Messina into Sicily to release the people from every spiritual censure incurred since the outbreak of the insurrection. Whatever impression may have been made upon the youthful prince and his aged mother, their subjects too well knew what it meant to fall into the hands of the Franco-papal party, to listen either to the arguments used or the lures held out to persuade them to abandon their hard-earned independence. They were sternly impressed with the conviction that no treaty was of avail against the dispensing power of the Holy See, and that every compromise proposed must be aimed, not only at their liberties, but at their lives and property. They knew that no artifice had been left untried to remove from among them their heroic friend and adviser Giovanni di Procida; and if proof were wanted of the ruthless spirit of the court of Rome, it was supplied by the contemporaneous massacre of the unoffending remnant of the Saracen colony established at Lucera by the emperor Frederic II.,[h] and maintained by his successors.

Rejected by them.

But the prospect before them at this juncture was dark and dismal. How would their diminished numbers on land or sea show against the combined hosts of the three powerful princes they were about to encounter? Though Don Jayme had abandoned them, they determined not to cast him off till they had exhausted every chance of awakening him to a sense of honour and good faith.

Embassy of the Sicilians to Don Jayme of Aragon.

[h] *Raynaldi*, ibid. p. 185.

A deputation of the most distinguished persons in the island flung themselves at the feet of their heartless sovereign: they implored him to repudiate a treaty equally injurious to his honour and the vital interests of his subjects; they besought him with tears and lamentations to withhold his signature to the death-warrant of a gallant and loyal people; or, if indeed he would no longer reign over them, that he would give them a king, and surrender the garrisons he still held in the island, that these strongholds might not be made to serve the purposes of their mortal foes. The King dismissed them with an answer quite of a piece with the rest of his conduct. He assured them "that he had no intention of surrendering the fortresses in question to their enemies; and that if they should think proper to place his brother Frederic on their throne, he had no doubt he would demean himself like a gallant knight, and one who knew his duty; as to their own course, they could not be at a loss to know how they ought to bear themselves under the circumstances."[i]

Proposals of Boniface to the Sicilians.

Meanwhile pope Boniface, who had no great idea of the fidelity of his slippery ally of Aragon, moved heaven and earth to prevail upon the Sicilians to return to their allegiance. As to the terms of submission a carte-blanche was offered; a blank bull, headed in the handwriting of Boniface himself, and sealed with his own hand, was sent for them to fill in, with liberty to inscribe the most minute specifications and guarantees of their rights and liberties, provided they would but signify their submission to the Holy See, and acknowledge their lawful sovereign king Charles. The bearer of this document was met outside the walls of Messina by the chief men of the island. The answer returned was a firm negative: they could put no faith in papal promises, however profuse; and the noble Pietro di Ansalone, drawing his sword, declared in the name of the council that the Sicilians were accustomed to trust

Rejected.

[i] *Raynald.* ibid. p. 200, with *Mansi's* note.

rather to their own good blades and stout arms than to empty parchments for the protection of their lives and liberties. He concluded his address by warning the envoy and his followers to make good haste to quit the Sicilian soil, lest worse should befal them.[j]

The die was cast; and Boniface VIII., who never flinched from difficulties or yielded to disappointments, summoned the king of Aragon to Rome to concert measures with Charles II. of Naples for the execution of the late treaty for the subjugation of Sicily.[k] The nobility of the island, on their part, took the decisive step of electing and crowning prince Frederic king of Sicily. Boniface vented his indignation at this audacious contempt in a furious manifesto: he quashed the election and coronation; he stigmatised the ignominious expulsion of his emissary as an intolerable insult to the Holy See; he accused the Sicilians of giving shelter to his rebellious subjects; of inveigling the Calabrians into insurrection, and committing a variety of excesses, all of which might be fairly described as incidental to the state of warfare with which he and his predecessors had harassed them for a period of thirteen or fourteen years. The bull closed with the usual menaces of excommunication and interdict, unless they speedily repented and reversed all their late acts of contumacy and rebellion.[l] But the Sicilians had by this time become tolerably indifferent to these explosions of pontifical wrath. They gave no sign that the sound thereof had reached their ears; and on St. Peter's day[m] of the year 1296, the curse of the Church was solemnly pronounced upon them in all the churches of Italy.

Wrath of Boniface. Excommunication of the Sicilians.

They crown Frederic king.

Pope Boniface was, however, at this juncture destitute of ships, men, and money for the reduction of

[j] *Raynald.* an. 1296, p. 201. The historian is dreadfully scandalised by the inconceivable obstinacy of the Sicilians; and admires the rapidity with which the judgment of Heaven is made to fall upon their rebellious heads, by the defeats they were doomed to suffer.

[k] In the month of February 1296.

[l] The Bull is dated the 3d of May 1296. *Id.* ibid. p. 204.

[m] The 29th of June.

the rebels. None of these important articles were to be procured in Italy; and he was driven to resort to his doubtful ally the king of Aragon for the indispensable material of war. Don Jayme was a difficult person to deal with; the Pontiff could hope to succeed only by the offer of a bribe commensurate with the expense and danger to be incurred. The claims of the Holy See to the islands of Sardinia and Corsica, though often admitted in negotiations and treaties, had never yet been realised. We believe that Rome did not occupy a foot of land in either; nor is there any evidence to show that the actual possessors had ever admitted the papal supremacy or tolerated papal interference. Both islands had been in great part occupied by independent Pisan and Genoese settlers. These chiefs, though nominally the subjects of the two great republics, were too firmly established to pay any great regard to their allegiance to the parent states, much less to the paper pretensions of the Holy See; nor could these pretensions be sustained otherwise than by an armament, for which the Pontiff possessed neither troops nor money. It occurred, however, to the ingenious mind of Boniface VIII. that Don Jayme II. of Aragon might be made instrumental for reducing the two islands into possession; and at the same time in furnishing the means of establishing his own authority in Sicily. He accordingly offered the kingdoms of Sardinia and Corsica to the king of Aragon, on condition of holding them of the Holy See by service and tribute, and in such a form as must have reduced, not only the new kingdom but his native realm to a state of perpetual and hopeless dependence upon Rome. The terms of investiture were such as to lay open the government to the unrestricted interference of the papal suzerain, and to degrade the status of the King to that of a simple agent or ministerial officer of the Holy See. It was an article of the proposed transfer, that the united kingdoms of Sardinia and Corsica should at no time, and on no pretence, be severed from

Boniface offers Sardinia and Corsica to the king of Aragon.

Terms of the proposed cession.

the crown of Aragon; and that the obligations contracted should weigh equally upon both realms. In conformity with this intention, it was further stipulated that the new King should engage to enter into no treaty, alliance, or fellowship with any foreign state or potentate that might be prejudicial to the Roman Church; reserving to the Pope for the time being the absolute right to determine whether any public transaction of the new government was of that nature or not: by this compact union of person, interests, and power in the Spanish and insular crowns, it was understood that the sovereign should at all times and on all occasions regard himself as the friend of the friends and the enemy of the enemies of the Holy See. It was added, by way of further security, that every matter of ambiguity or doubtful interpretation in the compact should be dutifully referred to the decision of the pontiff for the time being.[n]

Result of the alliance between the Pope and the king of Aragon.

The sordid prince to whom this delusive cession was tendered, accepted it with all its burthens; the Pope reserving to himself a power to revoke the donation within six months of the date, if these conditions were not punctually fulfilled. With it, Don Jayme II. accepted the sounding title of Generalissimo of the Armies of the Cross. But it soon appeared that the parties to the compact were playing a game against each other. That of the Pope was at least open and undisguised; the hopes of the king of Aragon were grounded on possession when obtained, and the thousand advantages to be derived from that position. Don Jayme lost no time in equipping a fleet and an army ostensibly to wage uncompromising war with the enemies of the Holy See. The actual transfer of the new kingdom was delayed on the part of the Pope for some months by absorbing engagements at home; while the kingdom of Aragon was threatened by an impending rupture with Philip le Bel of France, who insisted

[n] *Raynaldi*, ibid. an. 1297; dated April 4th.

upon the restitution of the Balearic islands to his ancient ally Don Jayme, the uncle of the king. The Pope was therefore not for the moment at leisure to execute the transfer, nor the King to accept it, till the year 1299. In the interim, however, the latter felt himself under obligation to make at least a demonstration of his zeal in the cause of the Holy See. He had been taken under the special protection of the Church; a crusade against the Sicilian heretics had been published, with an unconditional pardon to all deserters from the cause of the "usurper" Frederic. The unwise and offensive administration of that prince had, in the interim, alienated his best friends and weakened his defenders. In this state of things he was no match for the combined fleets of Aragon and Naples; and risking a battle suffered a crushing defeat in his own waters. Alarmed at his own success, Don Jayme suddenly turned his back upon the Sicilian shores, left his ally Charles II. of Naples in the lurch, and retreated to his own harbours. The latter was so totally exhausted by the expenses of this fruitless expedition as to be compelled to pledge the crown jewels for the trifling sum of 1600 ounces of gold. The Sicilian war languished for a period of rather more than three years. We avail ourselves of this break in the sequence of events in this quarter to advert to certain salient points in the foreign and domestic policy of pope Boniface VIII., which may be regarded as exhibiting a new phase in the history of the Papacy.

Difficulties of Boniface in Italy.

While Boniface was striving, by alternate promises and threats, to bend the selfish interests and passions of his spiritual subjects to his purposes, he found himself involved in serious difficulties in Italy itself. The re-conquest of the Holy Land had passed out of his mind except as a remote possibility, subject to his success against the Sicilian rebels, and the reduction of the Greek Church to submission under that of Rome. But to those objects the pacification of Italy was indispensable. Though a mas-

ter of intrigue, his savage pride and limited intelligence involved him in errors equally fatal to his own designs and to the cause of peace and good-will in the Christian world. Boniface VIII. frequently failed either to strike at the right time or to level his blows at the proper object. Though fully convinced of the necessity of union and concord among his neighbours to the success of his schemes, the steps he adopted almost uniformly tended to the opposite result.[o] Delighting to appear rather in the character of the monarch than in that of the friend and counsellor of his spiritual subjects, he was always more familiar with the language of command than with that of advice. The imperious tone of his communications injured his credit, and exposed him to the suspicions of all with whom he had to deal. Thus the important operation of uniting the naval powers of the two great maritime republics of Italy for his operations against the Sicilian rebels ended in failure. He was equally unsuccessful in his measures for reconciling the Markgrave of Monferrat with the neighbouring cities of Lombardy.[p] Though partially successful in his measures for the pacification of Romagna and the reëstablishment of the authority of the Holy See in that quarter and in the republic of Pisa,[q] he was incapable of bending the temper and circumstances of the times to his purposes ; and thus it happened that the resources of Italy remained as far beyond his reach as those of the more distant provinces of his spiritual domain.

But irrespectively of the political errors of Boniface VIII., it is obvious that the temper and spirit of the age were adverse. The circum- Gradual change of

[o] Thus when, in the year 1295, he interfered as arbiter of the differences between the Venetians and the Genoese, the latter rejected his arbitration ; he fed the flame of discord by calling upon Venice to avenge the insulted majesty of the Holy See in arms. *Raynald.* an. 1295, p. 186.

[p] A legate was sent to the belligerents, commanding them to sheathe their swords, and, like dutiful subjects, to refer their differences to the decision of the Holy See, "the only lawful arbiter of all disputes among Christians."

[q] The republic had recently shaken off the yoke of her Ghibelline masters ; but, sensible of the difficulty of maintaining the new order of things, they had intrusted the government of the city to Boniface VIII., with a reservation of their liberties and franchise, &c. *Raynald.* an. 1296, p. 199.

times and interests.

stances and the persons he had to deal with differed in some material respects from those which his more successful predecessors had to manage. Before the close of the thirteenth century the supports of the pontifical authority had been gradually rotting under the corrosion of court intrigue and almost every imaginable form of corruption and abuse. The commands of Innocent III. and his immediate successors were listened to with fear and trembling throughout the Latin world; they wielded and directed the arms of the Western nations, and profited by their undistinguishing zeal to crush the most formidable spiritual rebellion that had hitherto endangered the power of the Holy See; they were served by a well-drilled and organised monastic militia, which multiplied their power in every court and city and town of Christendom—a combination of powers which could not, without the most imminent risk, be encountered by any direct opposition.[r] Considering, in the next place, the period which elapsed between the accession of Gregory IX. (an. 1227) and that of Clement IV. (an. 1265), we perceive that although the outer world was beginning to investigate more closely the amount of profit and loss resulting from the papal connection—though the crusading mania was fast cooling down, and the monastic orders were more deeply engaged with their domestic interests and mutual broils than was consistent with their dutiful services to the Holy See, yet the pontiffs of this period[s] stood at the head of the great Guelphic league in Italy. In the inexorable warfare in which they had engaged with the imperial party they had obtained a strong hold upon and a firm standing in the political arena; the names of Guelphs and Ghibellines still retained their original significance, and the decline of the latter was a true indication of the preponderance of the papal power and influence.

But with the triumphant close of the contest came a change in the position of the Holy See: the party names

[r] The fate of the Hohenstauffen affords ample proof.

[s] Gregory IX., Innocent IV., Alexander IV., Urban IV., and Clement IV.

and distinctions survived the crisis, but lost their original signification; they had become simple watchwords of faction, incentives of civil disturbance, mementos of family injuries and hereditary enmities. The attempts of Gregory X.[t] to suppress the symbols, and, with them, to extinguish the elements of strife to which they had been made to minister, had failed; and no steady principle of union with the Holy See for the promotion of her own special designs remained behind. Meanwhile the inveterate dissensions of the sacred college, the progress of venality and selfish ambition in every class of the clergy — it might almost be said in every church and monastery — the corruption which pervaded all departments of the pontifical administration, had created alarm and disgust throughout Christendom. The Holy See had, it is true, gained lands, cities, provinces; but amid these apparent successes the fulcrum of her power had been shifting its basis; the papal state was gradually settling down into the secular form which it retains to the present day; the spiritual power was dwindling to the condition of a secondary or auxiliary force; and the thunderbolts of Rome missed their aim too frequently to serve even the purely selfish purposes for which they were now undisguisedly launched.

Symptoms of the declining influence of the papacy.

Such was the altered state of the public mind with which Boniface VIII. had to deal — a state which called for prudence, forbearance, temper. In all these qualities the reigning pontiff was notoriously deficient; and the consequent decline of the papal influence in the Latin world will, we think, be aptly illustrated by a short sketch of European affairs between the years 1292 and 1297.

State of public opinion.

In the year 1291 Edward I. of England had reduced Scotland to a state of vassalage under his crown. But the ruthless ambition of the king brought with it its proper punishment. His victories over a high-spirited and gallant people afforded

European affairs.

[t] See ch. vi. p. 218 of this vol.

but a poor compensation for the enormous expenditure of life and treasure for the almost barren results of his military achievements. The crafty and dangerous character of his neighbour Philip IV. (Le Bel) of France kept his vigilance and circumspection in constant exercise, lest, in the pursuit of his ambitious projects at home, he should afford pretext or opening for an attack upon his Aquitanian provinces; for the defence of which his means were insufficient, and his subjects all but indifferent. Prudence may avoid offence, but it is no match for guile. The maritime population of England and France had for years past carried on a system of mutual injuries and piratical practice, which ended in a formal warfare, to which the governments of both countries were total strangers. The fleets of the two countries encountered each other upon the high seas, and the French partisans met with a defeat so crushing as almost to annihilate the commercial navy of France.

Insolence and treachery of Philip le Bel.

Philip le Bel adopted the quarrel of his people, and refused to be satisfied with any concessions short of absolute submission to the extravagant and disgraceful compensations demanded. For an alleged offence, to the full as justly imputable to his own subjects as to those of his adversary, he cited Edward of England, as a duke and peer of France, to answer before his supreme court for the contempt and injury committed by his subjects upon the men and ships of his lord. The king of England was at no loss to see the drift of this violent and irrational proceeding; but he still hoped, by his influence at the French court, to avert the storm he was not prepared to brave. With the knowledge and consent of Philip, the queen dowager of France and Johanna, the wife of Edmund and the mother of Philip's queen, agreed upon terms of accommodation humiliating to England and flattering to the vanity of the French and their sovereign. The treaty was formally signed, and duplicates exchanged between the negotiators on both sides; and Philip himself, in part

performance of the engagements entered into in his name and with his cognisance, revoked the citation, and dismissed prince Edmund, the brother of Edward, with the impression that he had as firmly bound himself by the act of his representatives as if he had formally ratified the treaty.[u] The king of England hastened to fulfil the terms of the treaty; he surrendered some of the strongest fortresses in Guienne, dismissed his troops, and discontinued his armaments for the defence of his Aquitanian possessions. The French army was withdrawn from the frontiers of Guienne; and a negotiation was entered into, with apparent cordiality on both sides, for the marriage of Edward himself with Blanche, a sister of king Philip. A conference between the two kings was to be held at Amiens, for which a safe-conduct was the necessary preliminary. This document was withheld upon a variety of pretexts, the king's suspicions were aroused, and these misgivings speedily received ample confirmation. The French forces on the frontier of Guienne, though colourably withdrawn, only awaited orders to advance at a convenient distance. The constable of France, de Nesle, now insisted upon taking military possession of the entire duchy; and, denuded as it was of every defence, the last possession of the Plantagenets of Anjou fell an easy prey to the treacherous assailant. Elated beyond bounds by the success of his fraudulent scheme, Philip of France did not scruple to add a bitter insult to the injury already inflicted. The king and his court of peers replied to the loud remonstrances of Edward in a tone of scorn and contumely which sank deep into the hearts of the people of England: the bridegroom, they said, was too old for her; the princess Blanche therefore rejected his addresses, together with the dowry offered, with the contempt they deserved. A second citation was issued; and, upon non-appearance, the king was, as a matter of course, found guilty by his peers of

[u] He exempted himself from appearing as a principal in the transaction upon the plea that, "honoris causa," the suzerain was exempted from personal participation in a treaty with a vassal.

treason to his superior lord, and the duchy of Guienne declared forfeited to the crown of France.

War between England and France.

From this moment a burning sense of shame and indignation took possession of the public mind in England. Edward and his parliament swore to recover the possessions of which the crown of England had been so foully defrauded; the king renounced his allegiance to the traitor king who had overreached and plundered him; an embargo was laid upon the ships of France in the English ports; a general war-tax was unanimously voted; and the whole array of the kingdom was summoned to assemble for embarkation at Portsmouth on the 1st of the ensuing month of September.[v] Within a short space of time an understanding was come to with all the neighbours of the king of France who had reason to apprehend the like treachery. Holland, Brabant, and Flanders entered into a defensive league with the king of England; an alliance offensive and defensive was concluded with the emperor elect, Adolphus of Nassau,[w] for the redress of their mutual grievances. In his measures for raising the requisite funds for the war, Edward I. observed no greater delicacy in dealing with the revenues of his churches than his enemy, Philip of France. Without regard to the immunities of the spiritual corporations of his dominions, he laid hands upon their treasure-chests and records by way of security for the duties and services due to the crown in respect of their temporal fiefs. The wealthier foundations were compelled to pay scutage to the amount of 100 marks for each knight's fee; and the revenues of all foreigners derivable from church lands in England were inexorably swept into the royal exchequer. The clergy in general were mulcted to the war in half their incomes, the laity in one-sixth only; and with the funds thus raised Edward despatched a fleet and an army to Guienne, which for the moment put him in possession of the most important seaports of the duchy.

League against France.

[v] *Rymer*, i. pp. 801, 802, 804.

[w] At Nuremberg, August 21, 1294. *Pauli*, Gesch. Eng. vol. iv. p. 87, from a Ms. in the Cottonian collection.

These disturbances in the state of Europe, and the complications attending them, inspired pope Boniface VIII. with apprehension and alarm. He was at this moment destitute of a single ally, with the exception of the impoverished king of Naples. The conflicting passions and interests of the outlying states of Christendom operated as so many conductors to convey his thunderbolts harmlessly to the ground. At an early period of the war he had despatched two cardinal-legates to the courts of England and France with a view to dissolve the league, and to prevent hostilities he had good reason to regard as detrimental to the general influence of the Holy See, and subversive of his plans for the recovery of Sicily. Edward I. received the pontifical messengers with exceeding indifference, and shortly replied to their solicitations that he could entertain no proposals for negotiation with his enemy without the consent of his ally, the emperor-elect of Germany. With this answer the legates adjourned to the court of Adolphus of Nassau, with instructions purporting that, if they should meet with no more satisfactory reception from the emperor, they were to address themselves to the princes of the empire separately, with a view to detach them from the English alliance; if, however, Adolphus himself were to prove obdurate, they were directed to dethrone him, and to absolve his subjects from their allegiance.

Alarm of Boniface VIII.

But in that quarter Boniface VIII. had easy work. As long as the subsidies supplied from England — in enjoyment or expectancy — operated on the minds of the selfish and needy aristocracy of Germany, they appeared ready enough to resent the insolent encroachments of Philip of France upon the territories of the empire. But as the pecuniary resources of the emperor dwindled, their zeal cooled down; and now all that was wanted was a plausible pretext to desert his banners; and that pretext was supplied by pope Boniface. The armies of Adolphus of Nassau evaporated like the morning mist; and Philip was at leisure to direct his arms

His successful measures to dissolve the league.

against the weaker members of the league. The king of France, in fact, held the game in his own hands. He had little difficulty in detaching the timid and narrow-minded king Jayme II. of Aragon from the interests of his rival; or in providing occupation enough to the king of England at home to neutralise his efforts for the recovery of his transmarine dominions. In the year 1295 the resources of the latter were further drained by a formidable insurrection in Wales. His disaffected vassal, king John Baliol of Scotland, was without difficulty drawn into any compact which held out a prospect of emancipation from the odious yoke of England. The king, it is true, was successful in suppressing the revolt of the Welsh, and in punishing the king of Scotland for his meditated rebellion; but in the mean time his Flemish allies were destined to fight their battle single-handed against the overwhelming forces of his enemy. The earl of Flanders was speedily reduced to submission, and a large section of the earldom was incorporated with the French kingdom. The hands of the king of England were in the sequel tied by the threatening insurrection of the gallant Sir William Wallace in Scotland: Edward I. was paying the penalty of his unprincipled ambition; while his self-applauding enemy was reaping the full advantage of his insidious and deceitful policy.

Grievances of the Holy See.

Thus far the course of events had been favourable to the views of pope Boniface VIII. The formidable confederacy was dissolved, and the pontiff had now to apply a remedy to the manifold disorders and grievances that had arisen during the conflict. Irrespective of any supposable anxiety on the part of the Pope to put an end to those desolating wars which consumed the substance, and diminished the taxable capabilities of churches and people, Boniface VIII. had both personal and corporate grievances to redress—grievances which had reduced him to a state of indigence, and contrasted painfully with the wealth derived by his predecessors from the identical sources which had run dry in his hands. Above all,

it was incumbent on him to emancipate the churches of the belligerent kingdoms from that extortionate taxation which had reduced them to penury, and diverted the current of wealth from the papal exchequer to profane and often adverse uses. But the impetuous pontiff had not thought fit to await the subsidence of the passions and animosities which the war had engendered. Just at the moment when the three leading powers of Europe were grasping *per fas et nefas* at every source of supply within their reach for their mutual destruction, Boniface VIII. published a decree which struck almost in an equal degree at the liberties of the churches themselves and the interests of secular government. The canonical immunities of the clergy no doubt exempted them from arbitrary taxation; but left them at liberty to fulfil their duties as citizens and subjects. Grants to the crown from ecclesiastical incomes had become frequent—almost customary—in all political emergencies, and were regarded by the governments as legitimate sources of supply in the like contingencies. At a moment perhaps the least opportune the pontiff thought fit to prohibit all such grants under the severest spiritual penalties; casting at once the churches loose from the state, and neutralising their character of subjects and citizens. Boniface had hitherto held himself out as the mediator—more properly as the judge—of all disputes between the princes of Christendom that might lead to bloodshed, or be inconvenient to the Holy See. The decree, entitled from its initial words "Clericis laicos," was eminently fitted to damage his character as such referee. On the 18th of August 1296 he published in all parts of Europe a bull or 'constitution,' commencing with a long and wordy enumeration of the grievances and extortions under which the churches and spiritual bodies had for a long time past been ground down and reduced to indigence, "for the damnable purpose," as he alleged, "of supplying Christian princes with the means of shedding each other's blood:" the decree accordingly strictly prohibited all bishops, abbots, priests, and men

The Bull "*Clericis laicos.*"

of religion, under any form or pretext—whether it were by loan, or free gift, or subsidy, or office of profit—to give, grant, or pay any kind of contribution—such as tenths, twentieths, or the like—to their princes or lords, without an express faculty or license from the Holy See : all persons, *whether givers or receivers*, found trespassing against that ordinance, and all officers or others laying sacrilegious hands upon the property or treasures of the church, to fall under the like condemnation.[x]

Character and drift of the Bull.

That this ordinance took away the discretionary power of the churches to contribute to the necessities of the state, and made both parties dependent in this respect upon the will of the Roman pontiff was manifest to all to whom it was addressed. If the constitution "Clericis laicos" had been allowed to take effect, one half the landed property of the European community would have been rendered unavailable for the public defence, or any other legitimate purpose of civil government, until the license of the Pope could be obtained ; a process which experience abundantly proved must transfer no inconsiderable portion of the sums levied into the pockets of the pontiff and curia ; and would no doubt turn out the cause of a sordid bargaining between church and state. It is not pretended that the churches had not strong grounds of complaint against the extortions of the secular powers ; or that the head of the church might not properly interfere for their protection. For ages past the same grounds of complaint had been urged in general and particular councils ; and indeed, of late years the kings of France and England had notoriously charged upon their ecclesiastical subjects burthens out of all proportion to the subsidiary obligations of the laity. If it had been the single purpose of pope Boniface VIII. to preserve the discretionary power of the clergy, and to

[x] Conf. the decree at length, ap. *Raynald.* an. 1296, p. 209. The discretionary power of the churches to grant aids and contributions to the state in political emergencies is very clearly recognised in the 19th canon of the great council of the Lateran, in 1179, under pope Alexander III. *Harduin,* Concil. tom. vi. p. 1681.

bring down ecclesiastical estate to a proper taxable level with lay property, no great fault could be found with his mode of proceeding. But the special terms of the decree left little doubt upon the minds of the laity that it was intended to cast the control of the contributions derived from the taxable property of half the Latin world into the hands of the Holy See.

Publication of the Bull in England.

In England king Edward I. was at this moment in treaty with his clerical subjects for a war-contribution amounting to one-fifth of their incomes. The clergy, with archbishop Robert of Canterbury at their head, refused the demand; and without more ado the king caused all the granaries and storehouses of the churches and conventual bodies to be sequestered and placed under seal. In the climax of the dispute the archbishop caused the bull "Clericis laicos" to be published throughout his province, and at the same time he convoked a synod in London to devise some mode of protecting his clergy against the resentment of the king. Edward himself, goaded to fury by the publication of the bull and the recusancy of the convocation, deprived the clergy of the protection of the law, and exposed them to molestation and insult from his rude soldiery whenever they stirred abroad; he forbad all subjects to undertake their defence before his courts; he put them out of his peace; he declined all communication with them in their corporate capacity, and resolved to rely upon individual solicitation and intimidation to break the spirit of resistance springing from combined action. By this method a tax, equal to one-fifth of the movables of the churches, was extorted from the majority of the clergy; while the more sturdy recusants saw their property seized and sold by the sheriffs, without regard to private rights or the services attached to particular funds and revenues by the donors.[y]

Its reception in France.

The reception of the bull in France, though less demonstrative, was far more offensive to the court of Rome. The passions of the haughty

[y] *Matth. Westmonast.*, as quoted by Raynaldi, ad an. 1296, pp. 209, 210.

and unyielding monarch, though hardly less potent, were under the control of a cooler judgment. Edward preyed upon his clergy; Philip assailed the court of Rome itself in the most vulnerable quarter. The publication of the bull was instantly followed by a decree prohibiting the exportation of the precious metals, jewelry, horses, and other modes of remittance and supply urgently required by the papal government, both for the maintenance of the troops and the remount of the pontifical cavalry. The effect of this contemptuous treatment of his rash ordinance upon the temper of the irascible pontiff was no less violent than that which the bull itself had produced upon the minds of the two monarchs. Philip of France was the first to encounter the explosion of the pontifical wrath. "The stoppage of the revenues and supplies derivable from that kingdom," said the indignant Pope, "was a base and nefarious requital for the salvation of king and kingdom from imminent devastation and ruin by the combined forces of the most powerful princes of Europe—a salvation brought about solely by the untiring efforts of the court of Rome." He denied that the constitution "Clericis laicos" was any other than a necessary measure for the protection of the churches against extortion and pillage; and he affirmed that it had not, and was not intended to have, the effect of depriving governments of the aids of the clergy, but simply provided that when such an exigency occurred they should act with the knowledge and approbation of the Holy See. The king, he averred, had no just ground to believe that the court of Rome would refuse such aid when sufficient reason should be shown for its concurrence. He again reproached him with a graceless forgetfulness of the saving benefits conferred by the Roman church; and taunted him at the close with unprincipled ambition and fraudulent policy: "which of your neighbours is there," he asks, "whom you have not attacked or plundered or cheated? Have you not assailed the king of the Romans, and seized lands and towns and castles belonging to the empire? Have you not laid violent

hands upon the county of Burgundy? Have you not fraudulently taken possession of the dominions of the king of England? *All these princes have appealed to us against you, nothing doubting that in such disputes the office of judge appertains of right to the Holy See.*"[z]

An address so unsuitable could hardly fail to increase the subsisting irritation in the proud spirit of the king. The harsh truths it enounced added a sting to the bitterness of rebuke, and steeled the resolution of the cunning and vindictive prince, at all hazards, to accomplish the downfal of his adversary. The ferocious passions of both parties cut off every road to approximation; and Boniface VIII. found himself at once involved in immitigable warfare with the powerful king of France abroad and irreconcilable factions at home. King Frederic of Sicily, supported by the devout attachment of his subjects, sustained his heroic defence against the combined efforts of the Pope and the king of Naples. The latter, on the other hand, could count upon no such support. Charles II. was not of a capacity to conciliate, and was destitute of the means to purchase popularity. The Pope was distracted by political factions in the city, and intestine divisions in the sacred college. In this emergency Boniface, with his usual impetuosity, flung himself into the arms of the Orsini faction, in opposition to that of their adversaries the powerful party of the Colonna. The latter family was possessed of numerous fiefs and castles within the radius of a few miles round Rome, garrisoned by their own retainers and hired partisans. The cardinals Jiacomo and Pietro Colonna — uncle and nephew — quitted the court in disgust, delegating to their relative Stephano Colonna the defence of their castles and possessions. Pope Boniface in vain commanded them without demur to surrender the strong forts of Colonna

Position of Boniface VIII. abroad and at home.

Rebellion of the Colonna.

[z] Every application or request was treated by the court of Rome as an appeal to the Holy See as supreme judge of political controversy. Otherwise we are not aware on what particular diplomatic act of these princes this allegation is founded. See the entire document ap. *Raynald.* an. 1296, p. 213. It is dated the 25th of September 1296.

and Zagarole. The refusal was visited by the usual anathema, and the formal expulsion of the recusant cardinals from the sacred college. The latter retaliated upon the Pope by renouncing their allegiance, and denying the validity of his election. Cœlestine V., they affirmed, could not abdicate the papacy unless self-accused of some grave canonical offence;[a] but no such accusation had been preferred, or had been alleged by himself; besides, even if this were otherwise, the means resorted to to obtain his abdication were altogether fraudulent and nefarious: Boniface therefore was not, nor ever had been, true Pope.[b] The pontiff, with his ordinary vehemence, replied by branding his adversaries as *heretics*, and delivering them over to the inquisitors of the faith for punishment. The presumptive heretics, however, encountered the orthodox thunders of the Pope with the profane weapons of king Frederic of Sicily, and with his aid made themselves masters of the strong town of Prænestе.[c]

A crusade published against them.

Pope Boniface, however, was never deficient in promptitude or resolution in meeting danger, though mostly of his own creation. A crusade was proclaimed against the reprobate city and its defenders, and every privilege and indulgence usually attached to a pilgrimage to the Holy Land was promised to those "soldiers of the cross" who should take the field against "the enemies of God and His representative upon earth." By this and other expedients a numerous army was collected: the rebel city was besieged, and after a protracted defence evacuated by the garrison; the place was forthwith razed to the ground and a ploughshare passed over the site, in token of the signal punishment which "must ever" overtake the friends and harbourers

[a] As in the case of Gregory VI. Conf. *Cath. Pet.* Book ix. c. 3, p. 75 et seq.

[b] There were indeed strong presumptions of undue influence, to say the least, in the transaction. See the arguments of the seceding cardinals, and the reply of the lawyers of Boniface, ap. *Raynald.* an. 1297, pp. 226 to 233.

[c] Mod. "Palestrina," situate on a spur of the Apennines, nearly opposite the Alban hills; distant about twenty-three miles east of Rome.

of heretics.[d] The Colonna, it seems, had concentrated the strength of their party in the defence of Prænestè; and the loss of that fortress was a heavy blow to their fortunes. But rebellion springing from another quarter, and in a different cause, threatened the Pope with a more serious danger than that from which he had just escaped. The Annibaldini of Ceccano, a family devoted to the Ghibelline party, and formerly the zealous supporters of the Hohenstauffen interests, were, if possible, more adverse to Boniface VIII. than his adversaries the Colonna. The war against these partisans was carried on for years with animosity and perseverance by both parties. The estates of Giovanni di Ceccano were confiscated, and himself delivered over *par contumace* to the inquisitors of the faith as a rebel and a heretic. The results of this harassing and debilitating warfare are not very clearly disclosed by contemporary writers.[e] It is, however, probable that between the years 1297 and the close of the reign of Boniface VIII. in 1303 the districts immediately adjoining the capital were never free from similar disturbances, fostered throughout by the vigilant hostility of the king of Sicily.

The Liber Sextus Decretalium.

Within this period, however, the Pope enjoyed intervals of freedom from political solicitude which left him at leisure to turn his attention to the work of legislation, and enabled him to add another large section to the ample statute-book of the Church.[f] We notice this addition to the voluminous canons of the Roman church merely to observe that it breathes the arbitrary and uncompromising character of its author, and directly countenances some of the worst and most obnoxious abuses of the Roman scheme of church-government.

[d] Even the name was consigned to oblivion. A new town was built upon the site, and called "Citta Papale;" and its spiritual honours were transferred to the new city. *Raynald.* an. 1299, p. 263.

[e] Conf. *Raynald.* an. 1299, p. 264.

[f] See *Richter*, Corpus Jur. Can. tom. ii. p. 902. It is entitled "Liber Sextus Decretalium," being, as its author states, a sixth book or volume added to the preceding five books. The extravagant maintenance of the "Non obstante" clause in this compilation,

Boniface VIII. the advocate of peace.

Reverting to the political world at this point of time, we are struck by a partial misgiving in the mind of the imperious pontiff himself as to the expediency of the policy he had hitherto pursued. Whether any consideration for the miseries of war and the sufferings of the people ever entered his head or touched his heart, it is certain that he assumed for a time a character foreign from his ordinary habit of thought and action. Political events seemed to afford an opening for the re-establishment of peace in the Christian world. The adroit knavery of Philip le Bel had deprived his enemy Edward of England of his continental dominions: the estates of Germany had availed themselves to the full of the pretexts furnished to them by the Pope to desert their sovereign; the earl of Flanders, the last of Edward's allies, had been reduced to submission, and the triumph of Philip IV. seemed complete. But Philip never lost sight of the real position of his affairs. The exertions to which he had been driven had produced a degree of exhaustion which rendered a suspension of hostilities expedient. Edward, who still had his hands full in Scotland, was not less desirous of an interval of peace to mature his designs and recruit his finances; and the Pope might still hope to obtain the aid of either or both princes to trample out the Sicilian rebellion. With this view he seized the favourable opportunity to interpose as mediator between them: he dropped the imperious tone in which he had hitherto indulged, and assumed the language and bearing of a friendly referee. He transmitted to the king of France an elaborate explanation of the late offensive bull, and again protested that it was never meant to deprive the king of every needful aid from his churches, but simply to guard against those lay encroachments which threatened the estate and liberty of the church. He went a long step further: he entertained with favour a supplication from the clergy of France to throw no further obstacle in the way of the king's

as inserted by Boniface himself, affords some idea of the spirit of the code and its author. Conf. lib. i. tit. iii. "De rescriptis," c. 4, p. 903.

demands; and not only granted the request, but added a gratuitous gift to the king of the tenths appropriated to the liberation of the Holy Land, together with the revenues of one prebendal stall in every cathedral and collegiate church in the kingdom, to defray the expenses incurred by his wars in Flanders, upon the single condition of revoking the non-exportation edict which had so materially crippled the finances of the Holy See.[g]

Difficulties of the treaty. Adoption of the papal basis.

It appeared, however, that Philip was not disposed to grant that proof of his sincerity; consequently the papal nuncios at his court were instructed to hold the censures incurred by the edict hanging over his head. That act Boniface pronounced to be a "canonical" offence, for that it deprived the Holy See and the foreign beneficiaries of the revenues they derived from their sinecures, estates, and preferments in France.[h] But political pressure, independent of papal influence, operated powerfully upon both parties in favour of accommodation. A parliament of England, assembled at Westminster, had resolved that no new taxes should be raised in that kingdom without their consent. Philip IV. perceived such manifest symptoms of discontent, engendered by the exactions he had practised upon his subjects, as to induce him to pause awhile to allow at least the subsisting irritation to subside. The mediation of pope Boniface was accepted. But when it was attempted to touch upon the real points in dispute, Edward I. declared that he had no power to treat at all except in conjunction with his allies, Adolphus king of the Romans, the earl of Flanders, and the earls of Lorraine and Burgundy, and consequently that those powers must be made parties to the negotiation. Boniface was not without a resource in this dilemma. In virtue of his spiritual authority he cancelled the league, and ab-

[g] The brief is dated February 28th, 1297. *Id. ibid.* p. 236.

[h] The terms "canon" and "canonical" in the papal documents of this and the past ages are of such doubtful significance that it would be labour in vain to search the Corpus Canonum to find a canon applicable to many particular cases. It is not improbable that the canon here alluded to is the novel ordinance of Boniface VIII. quoted in the last note but one.

solved the parties from all oaths and engagements they might have contracted under it. The king of England was, perhaps, thankful for this release from obligations which were no longer of any value to him. Philip of France was under no such difficulty, even if any such could ever have stood in the way of his unconscientious policy; and the mediation of pope Boniface was accepted.

Terms and character of the treaty.

The terms proposed were equitable upon the whole: the parties agreed upon a mutual restitution of plunder as far as recoverable, and indemnity for what had been lost or consumed: the province of Guienne was ultimately to be restored to the king of England as a fief of the crown of France: Edward I. was to marry Margaret the sister of Philip IV., and Isabella, daughter of the latter, to be affianced to the prince of Wales.[1] But perhaps the most important provision of the treaty was that which stipulated that all territories, properties, compensations or claims for compensation included in terms, should be placed, *ad interim*, in the possession and at the disposal of the Holy See, until the parties to the treaty should have come to a definite understanding as to their ultimate disposal. These terms, it will be seen, invested the Pope with the character of a principal in the treaty, rather than that of a private referee. But the compact answered the present purpose and position of all the parties. The pride of Boniface was flattered by the unbounded deference the trust appeared to imply: the king of France was willing enough to put off for a time the total expulsion of the English from the province of Guienne; and Edward of England could have no objection to see a province of which he had a very infirm hold, and was destitute of the means to recover, placed in the hands of a third party until his own ambitious design upon Scotland should have been so far matured as to leave him at leisure to vindicate the rights of his transmarine inheritance.

[1] Edward prince of Wales was twelve years of age: the princess only seven.

It is tolerably clear that two of the principal parties to this treaty had no other object in view than to gain time. It is obvious that Philip le Bel had no intention of relinquishing his design to reduce the enormous possessions of the clergy in France to a taxable level with those of his lay subjects. It is equally manifest that he objected to the collation and promotion of foreigners to prelacies and benefices within the kingdom, and that he had determined not only to put a stop to the resulting drain of specie and valuable effects to feed the cupidity of Rome and Roman officials, but, if possible, to divert the current of wealth into his own coffers. It is probable that the pragmatic sanction of his predecessor, Louis the Saint, was in some sort the basis of his policy, and that following that ordinance, the common law of the land, and the customs of church and state,—not forgetting the rights of the crown,—were to be the rule to govern the distribution of ecclesiastical promotion and the treatment of church estate.[k] The *ad interim* administration of vacant prelacies had never been abandoned in principle by the kings of France; and thus it happened that when, in 1298, pope Boniface VIII. suspended the bishop of Laon, the King chose to regard the act of the Pope as creating a vacancy of the see, and appropriated the revenues to his own use. Boniface indignantly denied the custom, and reprobated the principle: a simple suspension, he rightly maintained, did not create a vacancy; and he harshly stigmatised the seizure as a sacrilegious robbery and a daring invasion of the liberties of the Church.[l]

Revival of discord between the Pope and Philip IV.

It is not pretended that either party measured its rights or claims by any strict standard of law or precedent. The Roman canon law was not less plastic than the undefined prerogative of the crown of France. Acting on that alleged prerogative, the King was just as likely to overstep the limits of right and justice as the Pope

Boniface VIII. claims Scotland as a fief of the Holy See.

[k] Conf. chap. iv. p. 145 of this vol.

[l] *Raynald.* an. 1293, p. 259.

in maintaining the jurisdiction of the canon law of Rome. Neither king nor pope desired to come to an understanding on this subject; both fought for victory, and calculated the result in money, dominion, and the power of disposing of the fortunes of their subjects, temporal and spiritual. Boniface, however, acknowledged no limit in the pursuit of the *ignis fatuus* of universal dominion. Scarcely a year had elapsed since the pacification treaty between France and England, when he contrived to inflict a wound upon the king, Edward I., which stung that ambitious prince to the quick. Upon a pretence which looks more like the juggle of a mountebank than a sane allegation, he claimed the supremacy of Scotland as a fief of the Holy See. "Your highness," he observed to the King, "must be aware that the kingdom of Scotland was created and converted to the Catholic faith by the virtue of the venerable relics of the blessed apostle St. Andrew; and that it is recorded that when the archbishop of York in England claimed jurisdiction over Scotland, the people invoked the aid of the blessed apostle as his own special subjects, and that thereupon the claim of the archbishop was set aside by the authority of the Holy See as the representative of the apostolic college." Upon these grounds the Pope complacently contended that the kingdom belonged *pleno jure* to the Holy See, and consequently that it never could have been fief or dependency of England; "but," said he, "if the King should think that he had any such claim upon Scotland, he would *expect him to appear within the ensuing six months before the pontifical tribunal at Rome to make good his pretensions; and inasmuch as the cognisance of this and all like suits indubitably belonged to the Holy See*, he (the Pope) would take all due care that the case should be calmly and dispassionately considered."[m]

Edward I. — like the rival king of France — had given sufficient proofs of his disregard of public law and private rights to afford a specious ground for the

[m] *Raynald.* ibid. an. 1299, p. 268.

interference of the Pope as spiritual father and monitor of princes. The archbishop of Glasgow and the bishop of Sodor and Man, with other Scottish ecclesiastics, had been thrown into prison, and — as reported — harshly treated by his orders. He had, it was alleged, plundered and destroyed monasteries, and turned the inmates adrift to die of hunger and penury; he had been guilty of manifold extortions and plunderings upon prelates, clergy, and lay subjects of the realm: and for all these crimes, the Pope averred, he was responsible to the supreme criminal judge of kings and princes. The archbishop of Canterbury was instructed to demand the instant release of the imprisoned prelates, to command the King to withdraw his armies from Scotland, and, if he thought fit, to pursue his remedy before his rightful judge at Rome.[n] But Boniface VIII. was an unskilful interpreter of the signs of the times, and rushed blindly into a field of battle in which discomfiture was next to inevitable. With a little less of passion he would have discovered that Edward of England and Philip of France were not to be dealt with as his predecessor Innocent III. had dealt with kings John and Philip Augustus, or as, at a somewhat later period, Gregory IX. and Innocent IV. with Frederic II. and his successors. Both monarchs were firmly seated on their thrones, and could count upon the sympathy and support of their subjects. Boniface himself had in fact put an end to the only foreign war which, if he had taken a lesson from the note-books of his more able predecessors, might have been turned to good account. The dispersion of the armies of the emperor Adolphus of Nassau was a fatal departure from the traditional policy of the Holy See. The dissolution of the coalition and the pacification of 1297 deprived the Pope of every check upon the ambition of Philip le Bel, and threw the short-sighted pontiff back upon the almost hopeless scheme of combining the forces of the three great

Violent policy of Boniface VIII.

[n] *Raynald.* ibid. an. 1299, pp. 268, 269.

European monarchies for the reduction of the island of Sicily, and vindicating the supremacy of the Holy See over a dependency which was, after all, but a speck upon the chart of her boundless scheme of dominion.

Changes in the relative position of princes and subjects.

Pope Boniface had in truth closed his eyes to the important change which had of late years taken place in the relative position of princes and subjects. The extinction of the spirit of the crusade had deprived the court of Rome of a powerful instrument of control. The hegemony of the armies of Christendom had passed out of the hands of the Holy See, and with it vanished those hopes and fears with which she had hitherto been enabled to inspire secular governments and people. The attention of the nations of Europe was now absorbed by their own special objects and pursuits; and the loyalty and devotion by which, till then, Rome had so largely profited, was transferred from her to the princes and governments of the age. The inestimable faculty of arraying the subjects against their rulers, whenever the interests of the latter clashed with those of the sovereign pontiff, had in a great degree slipped from his grasp. Princes could reckon more surely upon the support of the commonalty; and were enabled, without any material diminution of religious deference for the Holy See, to cast off that political dependence which had for ages past hung like a millstone round their necks. Rome had, in all that period, refused to acknowledge any trusts or compacts between the government and people for their mutual benefit, whenever they interfered with the uncontrolled command of the means and resources of nations for her own purposes. Thus, she had annulled Magna Charta in favour of her English satrap;[o] she had vowed the ruin of the Hohenstauffen dynasty for daring to appeal to and legislate for their own subjects adversely to the extravagant pretensions of the Holy See.

Rigid policy of Rome.

But with the exception, perhaps, of the chaotic em-

[o] King John of England.

pire of Germany, the connection between all orders of men in the states of Europe had improved in strength and coherence. A self-reliant spirit had been gradually growing up; the elements of government had assumed a greater degree of compactness; and with these changes the difficulties of pontifical government became more and more threatening. Boniface VIII. was the first pontiff who felt the full pressure of these difficulties, yet adhered with truly pontifical pertinacity to the traditional principles of sacerdotal supremacy. He refused to regard the monarchs of Christendom in any other light than as the satraps of the spiritual autocracy; and thus, under the most sinister auspices, he imprudently revived the great controversy which his predecessor, Clement IV., had brought to a triumphant decision upon the bloody scaffolds of Naples.[p] Edward I. received the offensive summons to plead his cause at Rome, in the summer of the year 1300. He listened with gravity to the papal message, and dismissed the messengers with the laconic reply, that in an affair of such magnitude it behoved him to take counsel from his parliament. Accordingly the great council of the realm met at Lincoln, under the presidency of the King.[q] The assembled barons unanimously approved the King's measures in reference to Scotland; and in corroboration of these sentiments they addressed a formal manifesto to the Pope expressing their astonishment at the extravagance of his pretensions. Scotland, they affirmed, had been from all times a feudal dependency of the kingdom of England; and in conclusion declared that neither in this, nor in any matters affecting the rights of the crown of England, would the intromission of any foreign tribunal, prince, or potentate, be permitted, even though the King himself should invoke such interference.[r] Supported by this unequivocal ex-

Pope Boniface disregards the signs of the times.

Edward I. rejects the papal summons, &c.

[p] By the murder of the last Hohenstauffen on the 29th October 1268. Conf. chap. iii.

[q] On the 20th of January 1301.

[r] *Rymer*, Fœd. tom. i. p. 926. This parliament was attended by the po-

pression of public opinion, Edward returned a corresponding reply to the papal summons. He treated the claim of the Holy See to the superiority of Scotland as a puerile pretence; he declared that kingdom to have always been a feudal dependency of England, and that it was now united to the crown of England by the additional right of conquest; and he assured the Pope, on his own behalf and on that of the estates of the realm, that *he would on no account allow it to go forth to the world that he admitted any superior, secular or ecclesiastical, or that he would submit affairs of state to any foreign tribunal or arbitrament*, to the detriment of the national liberties and the prerogatives of his crown of England.

Sicilian affairs. Successes of the insurgents.

The zeal of pope Boniface for the deliverance of the Holy Land was generally regarded as a simple pretence. He desired it, indeed, to be understood that the single cause of the failure of the pious design lay in the obduracy of the Sicilian rebels—no step, he maintained, could be taken toward the liberation of Palestine as long as the rights of the Holy See were set at naught, and her coasts exposed to a harassing warfare by the neighbouring islanders. But this view of the subject obtained little credit with the outer world. No one believed that the military preparations of the Pope and his client Charles II. of Naples had any further object than the reduction of Sicily. After the disastrous naval action which deprived king Frederic and his gallant subjects of the means of defending their coasts, they prepared to dispute by land every inch of ground with the victorious enemy. Suddenly, however, the victors turned their backs upon the scene of their late successes; and left the completion of the conquest to Charles of Naples and the pontiff of Rome. The impetuous son of the king, prince of Tarentum, rashly landed in Sicily with

pular elements lately introduced — knights of shires and burgesses of towns—and could therefore speak the more emphatically to the popular opinion.

an ill-disciplined and tumultuous army, and sustained a total defeat; the prince became the captive of his rival; and every prospect of reducing the island vanished. Though brought down to a state of such hopeless penury as to oblige the King to pawn the jewels of his crown, and even his own personal ornaments, the Pope pressed the discharge of his debt to the Holy See with unrelenting severity. Even the necessary defensive armaments were discontinued; and if the Sicilians had not been reduced to a similar state of exhaustion by the late death-struggle, they might have retaliated upon their enemy with appalling effect. As it happened, neither party was in a condition for active warfare, and hostilities were allowed to languish for a time.[r]

Improving prospects. Institution of the Jubilee.

Though the Pope had supported his client by the republication of the sounding anathema previously launched against the rebels, it soon appeared that he might as well have hurled his thunders against mount Ætna. Pecuniary aid could be scantily afforded as long as the reduction of the Colonna faction was still in suspense. Subsequently, however, his prospects assumed an appearance of improvement. He had taken charge of certain districts as stakeholder in a suit between the archbishop of Ravenna and the markgraves Azzo and Francesco of Este. But Boniface ordered his officers to retain possession *in the name of the Holy See*, and to decline delivering them up to the archbishop on whose behalf the suit was instituted.[s] He was about the same time chosen umpire in a quarrel between the city of Bologna on the one part, and the Modenese and their allies the markgraves of Este on the other. The maritime republics of Venice and Genoa had, at the instance of the Pope, agreed upon a suspension of hostilities; and the latter commonwealth was reconciled to their rivals of Pisa after an exhausting warfare of fifteen years. These were tangible advantages, and Boniface

[r] *Raynald.* an. 1299, p. 262.

[s] The instructions are dated from Agnani, the 18th of August 1299. *Id.* ibid. pp. 273, 274.

strove to improve them by measures calculated to fix the gaze of the Latin communion more steadily upon Rome, and in some degree to compensate for the dying spirit of the crusade. The first and most important step towards that end was the institution—or as some have thought, the revival—of the year of jubilee.[t]

Success of the Jubilee.

Rome was to become for one whole year in every century the Holy Land of Christendom. Indulgences and spiritual privileges, in most respects equivalent with those usually granted to the obsolete pilgrimage to the holy sepulchre, were promised, and accepted with enthusiasm in almost every region of Europe. Unnumbered multitudes from Italy, Sicily, Corsica, Spain, England, France, Germany, Hungary, and the remoter regions of the north flocked to the Holy City to earn, at a small expense of fatigue and danger, all the substantial advantages of a perilous, a costly, and generally fruitless adventure. Thus, as many as 30,000 pilgrims are computed to have arrived in a single day, in joyful hope of the pardon of all their sins ; and as many are said to have departed with disburthened consciences to hymn the praises of Rome, and stimulate the devotion of neighbours and friends, from end to end of the Latin world. During the whole year, we are assured such was the plenty and cheapness of food for the support of this vast concourse, that the wondering piety of the visitors imputed the comforts enjoyed to a special interposition—analogous to the miraculous multiplication of the loaves and fishes by the Saviour of mankind—and indicative of the sympathy of Heaven with the joys of the earthly paradise prepared for the hungering and thirsting souls of the faithful. Some palpable advantages were at the same time drawn from the influx scarcely less agreeable to the masters of the feast than the renown of the banquet. The churches profited largely by the donations of the visitors,—from the munificent gifts of the wealthy to

[t] *Raynaldi* recites the bull of institution, and imputes its origination to Boniface VIII. *Mansi* thinks that it was rather a revival of an immemorial usage, and that the centenary period of the celebration was fixed by Boniface VIII. See Ann. Eccl. an. 1300, p. 286.

the mite of the poorest contributor.[u] Pope Boniface availed himself of the popularity thus gained to introduce partial reforms among the clergy of Rome. Some flagrant abuses were corrected; the attractions of ritual worship were enhanced by new observances, and means adopted to extend the like improvements to every branch of the Latin communion.

Violent measures of the Pope; their result.

The prevailing union of religious feeling created by the spiritual festivities of the jubilee, in connection with the partial pacification of Italy, were advantages requiring only temper and management to enable the Holy See to regain much of the ground lost by the failure of the several sources of influence already alluded to. But the measures of Boniface VIII. partook more of the character of impulse or cunning than of settled purpose. He was incapable, in the long-run, of improving his spiritual successes to the advantage of his political interests. Sicily, it is true, was lost; but the vehement reiteration of his curses upon the head of the victorious prince and his subjects answered no purpose but that of widening the breach without intimidating or injuring his adversaries. King Frederick and all who made common cause with him—more especially the reprobate race of the Colonna—had been expressly excluded from the benefit of the jubilee. The powerful families of the Spinola and Doria of Genoa had in like manner been shut out of the congregation of the faithful for their participation in the resistance of the Sicilians. The passions of the pontiff thus sowed the seeds of malevolence and discord in the bosom of peace and goodwill; and gave the character of a political movement to an institution ostensibly designed to unite the Christian community in the bonds of religious concord under the earthly representative of the divine Majesty. But the efforts of the Pope to cut off his enemies from the sympathies of Christendom met with

[u] The favourite churches of S. Peter of the Vatican and S. Paul extra muros are said to have profited to the extent of some 50,000 golden florins. The close of the year, we are assured, left them the richer by houses, lands, and castles, purchased with these pious offerings. *Raynald.* an. 1300, p. 287.

indifferent success. In vain the Pope importuned the king of Aragon to redeem his engagements with the Holy See—in vain he demanded a fleet and an army to put him in possession of the rebel island—in vain the states and republics of Italy, the military orders, every petty municipality, were solicited to supply soldiers and money for the "holy war." The vaporous enthusiasm of the jubilee condensed suddenly under the chilling influence of a command to plunge once more into danger, expense, fatigue, and bloodshed, in order to gratify the purely political objects of the pontiff. Charles II. of Naples felt deeply the degraded and dependent state to which he was reduced by his inexorable creditor; he sighed for the release of his son and destined successor from Sicilian bondage; but a negotiation entered into with the court of Palermo with that object was harshly interdicted, and stigmatised as an intolerable insult and contempt by his imperious superior.[v] King Jayme II. of Aragon was condemned to listen to a monition which for violence and falsehood has few parallels in ancient or modern diplomacy. "The efforts of the Holy See," the Pope alleged, "to bring him back to the paths of righteousness had been untiring—the privileges and immunities showered upon him, innumerable; he had been, by the mere unmerited grace of Rome, restored to his forfeited dominions: a new kingdom[w] had been bestowed upon him: he had been raised to the exalted dignity of gonfaloniere of the Holy See: and how had he requited these inestimable benefits? Had he not quitted the contest at the very time when success against the rebellious island was certain? Was not ample compensation due to the Holy See for all these neglects and shortcomings? Let him, therefore, without a moment's delay, equip a fleet and an army for the reconquest of Sicily; let him recal all his Aragonese subjects who had taken service under the insurgents; and

[v] See the documents ap. *Raynald.* an. 1300, p. 290.

[w] To wit, the phantom kingdoms of Sardinia and Corsica. See p. 284 of this chapter.

coöperate faithfully and zealously with king Charles II. and the papal forces for the effectual punishment of an unnatural and damnable rebellion."[x]

Value of the papal claims to the services of the king of Aragon.

It is difficult to reflect, without a feeling of scorn and contempt, upon the hypocritical claim of gratitude for relief from difficulties of which this pontiff and his predecessors had been the sole authors. The unspeakable tyranny and cruelty of Charles I., the revolt of the Sicilians, the election of Don Pedro of Aragon, were the immediate results of the misdeeds of Clement IV.; the remoter consequences were the decree of deposition against Don Pedro and his son; the transfer of the crown of Aragon to Charles of Valois; the war with France; the distress and death of Don Pedro III.; and the insidious engagement which dragged Don Jayme into a treacherous desertion of his late subjects. Such were the claims upon the grateful acknowledgments, such the grounds of this insolent demand upon the gratuitous, expensive, and uncompensated services of the king of Aragon. But the breath of Rome was spent in vain upon the obdurate Spaniard, and pope Boniface had to look elsewhere for the means of carrying on his wars. France was once more the quarter from which alone the requisite supply of men and money could be obtained. Charles of Valois, a younger brother of king Philip Le Bel, was engaged by large grants of ecclesiastical tenths to collect an army of adventurers for the service of the pontiff, and hopes were held out to him of the ultimate conquest of Constantinople with the crown of the Eastern empire. The clergy of France were reconciled to the demand upon their revenues by repeated assurances that the acquisition of Sicily was an indispensable preliminary to the relief of the Holy Land, to which the tenths were devoted, and that, consequently, it was as much a part of their Christian duty to contribute to that object as to the holy war itself. But enthusiasm

Expedition of Charles of Anjou into Italy.

[x] See *Raynald.* an. 1300, p. 292, and passim in the transactions of the year.

for the cause of the holy sepulchre had no appreciable share in the enterprise of Charles of Valois. He accepted the papal commission to shed the blood of a people to whom he was an absolute stranger, with as much alacrity as if he had had a private wrong to avenge. The expedition to Italy was popular in France, and was probably encouraged by the sharpwitted sovereign of that country. Charles of Valois met with little difficulty in collecting an army; and the signal for crossing the Alps was given from Rome—"with the intent," said the sanguine pontiff, "that having *tranquillised* Sicily, and reduced the *other rebellious subjects of the Holy See* to submission, measures may be more effectually concerted for the immediate recovery of the Holy Land."[y]

Operations of Charles of Valois in Italy.

It is hardly to be believed that the parties to this convention gave any credit in the ultimate destination of their arms thus pointed out to them; and, in fact, it soon appeared that sufficient work was cut out for the army of the French prince even before the invasion of Sicily was to be thought of. The papal province of Umbria was in open insurrection; the greater cities of Tuscany and Northern Italy were at the same time in a like state of internal commotion; Florence, Pistoia, Milan, and others were engaged, either as principals or partisans, in sanguinary feuds and faction-fights. Before the arrival of the French auxiliaries, the papal troops had obtained some partial successes against the Romagnese insurgents; but in the north the monitions and menaces of the Pope fell upon deaf ears.[z] In September 1301, however, Charles of Valois appeared, to the relief of the Church, with a numerous army. He was appointed general-in-chief of the papal armies, and invested with the civil government of all the disturbed districts, more especially those of Bologna, Bertinoro, Spoleto, and the March of Ancona. His earlier instruc-

[y] *Raynald.* an. 1300, p. 293.

[z] Though his legates went to the Tuscan and Lombard cities in the character of "angeli pacis," their instructions ran more in the spirit of their master: "ut evellent, dissipent, disperdent, ædificent, et plantent."

tions were, to reduce the rebellious cities of those districts to obedience, and to inflict severe punishment upon all who had dared to assail the faithful vassals of the Church.[a] But at this moment the opportunity offered itself of a more valuable acquisition. By the death of the emperor Adolphus of Nassau in battle with his disloyal vassal Albert of Austria, the Pope was enabled to declare a vacancy of the empire in Italy; and, in pursuance of a recent pretension of the papacy to appoint a regency in that event, pope Boniface VIII. installed Charles of Valois as vicar-general of the empire until the election of an emperor, with instructions *to make war upon all disturbers of the peace within the imperial province of Tuscany, with intent to reform and purify them from the dross of disloyalty and treason.* Accordingly, the first operation of the prince and his foreign hirelings was the invasion of a friendly territory, under a pretext remarkable, even among papal simulations, for flimsiness and hypocrisy. The acquisition of Tuscany was, however, more than an equivalent for Sicily, and in political respects well worth the sacrifice of every real or ostensible object of the armament. By favour of the faction of the Neri in Florence the rival party of the Bianchi was driven into exile,[b] and the city surrendered into the hands of the Pope. The whole of Tuscany lay at the feet of the Holy See. No enterprise seemed too difficult for his French allies and their leader. The hand of Catharine, the heiress of Philip de Courtnay (the last Latin emperor of Constantinople), and with it the crown of that empire, when he should have succeeded in quelling the Sicilian rebellion, was promised to Charles of Valois. To enable him to prosecute the war with effect, the grant of the tenths of Italy, England, Sicily, Sardinia, and Corsica was renewed. An attempt was made to compel the Genoese, who had hitherto maintained friendly communications with Frederick of Sicily, to renounce all connection (military, naval, or commercial) with the rebels.

Successes of Charles.

[a] Rescript dated Agnani, 3d Sept. 1301. *Raynald.* ibid. p. 308.

[b] Among them the illustrious Dante Alleghieri.

An oath to that effect was tendered to them by the Pope, with a clause obliging them to expel from religious communion and secular office all who should decline to take the oath. The republic, however, refused to impose upon its citizens an engagement inconsistent with the national liberties, and were punished in the usual form of excommunication and interdict.[c]

Position of the papacy with regard to the outlying states of Christendom.

But the real position of the papacy at this point of time will not be fully comprehended without a short reference to subsisting relations with the outlying states and nations of the Latin communion. At this moment the Holy See claimed direct feudal superiority over eight kingdoms of the Latin world.[d] With respect to England, Naples, and Sicily, the claim was grounded upon special compact with the princes of the land. The dependence of the Spanish kingdoms of Castile, Aragon, and Portugal was based upon a different principle. In these cases the claim of the Holy See was simply constructive. Benevolences, payments, or promises to pay trifling annual subsidies; the political importance of the pontifical benediction or recognition; the deferential expressions of religious respect in their communications with the see of Rome, and even in their excuses for the nonperformance of their promises; the political and religious indulgences and favours they had frequent occasion to solicit,—all these circumstances were supposed to raise the presumption of a relation of inferiority it was difficult to meet by a direct negative. The political dangers to be incurred by such a proceeding were always formidable—in the case of the noble race of Hohenstauffen they had proved fatal. Inert or practical resistance was the best, the only mode of holding the vexatious interferences of Rome in some degree at arm's length, and preventing the constructive from sinking into a real and effective state of dependent vas-

[c] *Raynald.* an. 1301, p. 310.

[d] 1. Naples and Sicily; 2. Castile; 3. Aragon and Valentia; 4. Portugal; 5. England; 6. Scotland; 7. Poland; 8. Hungary.

salage. In England the badge of dependence, which had clung to the crown for a period of more than eighty years, had by this time worn threadbare, and was deliberately cast off by the reigning monarch. Poland and Hungary were treated as simply derivative principalities constructively based upon papal concession or royal coronation—a ceremony which, in Roman estimate, necessarily implied a state of vassalage, attended with all the obligations of fealty, obedience, and active military aid incident to the feudal tenure. Such, indeed, had been the *ultima ratio* of the pontifical policy for ages past; and wherever a colourable pretext could be found or invented, the utmost advantage had been taken of the state of the times to endow it with an operative vitality.

Pope Boniface in the affairs of Hungary.

Acting upon these precedents, Boniface VIII. treated the kingdom of Hungary as a direct fief of the Holy See in the same sense as that of Sicily. He insisted that, as a strictly derivative sovereignty, the confirmation of the Pope was essential to the validity of the title to the crown; and that in case of a disputed succession, the decision appertained to the Holy See. Occasion for such an interference was easily created. In the year 1290 pope Nicholas IV. had crowned Charles, surnamed Martel, a son of the reigning king of Naples, king of Hungary, on the ground of his descent from a sister of the deceased king Ladislaus. The Hungarians, however, sturdily maintained the elective character of their crown, and placed Andrew, surnamed "the Venetian," a direct male descendant of the ancient line of their princes, on the throne. The pretender, Charles Martel, died in 1295, at the age of twenty-three years, leaving an infant son, Charles Robert, or Charobert, upon whom his claim to the crown of Hungary devolved. The infancy of Charobert, and the steady adhesion of the people to the sovereign of their choice, shut out every present chance of making good his pretensions; and pope Boniface proposed a compromise, by which his own claim to supremacy was saved harmless, and the quiet exercise

of the government was secured to Andrew. The title of king was conferred upon Charobert, and the administration or regency granted to the king *de facto*.[e] Andrew died in the year 1302, and Wenceslaus, king of Bohemia, presented his son to the Hungarians as a candidate for the crown. Charobert had in the interim been introduced into the country by a party favourable to his pretensions. Failing in his endeavours to prevail upon Wenceslaus to withdraw his son, Boniface VIII. addressed him in the character of supreme judge of the controversy, and cited him to substantiate his claim before himself at Rome, or, without more ado, to relinquish his design.[f] But this was not the only offence of king Wenceslaus. He had assumed the title of king of Poland without asking the consent of the Holy See. "Yet," said pope Boniface, addressing the delinquent, "it must have been right well known to you that the *province of Poland belongs to the Holy See;* nor can you be ignorant of the penalties attached to your offence, seeing that they are fully set forth *in the most ancient and authentic documents.*"[g] But Wenceslaus had been accepted by the Poles with open arms, and had received the crown from the hands of the primate, archbishop of Gnesen. Under these circumstances the fugitive prince Ladislaus Lokietek had carried his suit of appeal to Rome. Wenceslaus was now peremptorily commanded to drop the title of king, and thenceforward refrain from exercising any function of government in the country. The king of Poland, however, treated the papal command with merited neglect; and the fatal quarrel in which pope Boniface soon became involved with Philip le Bel put a stop to all further interference in the affairs of the North.

In anticipation of that final and decisive rupture,

[e] Whether this compromise was accepted by Andrew or sanctioned by the people of Hungary is uncertain.

[f] *Raynald.* an. 1302, p. 333.

[g] The Pope carefully abstains from specifying them. Ladislaus Lokietek, the exiled king of Poland, had taken refuge at Rome, and placed himself and his claims at the disposal of the Pope. See a fuller account of these transactions ap. *Caro*, Gesch. Polens, vol. ii. c. 1.

some leading facts in the history of the Germanic empire must be adverted to. It has been already observed that Boniface VIII. had adopted Adolphus of Nassau as legitimate king of the Romans and emperor-elect. The new king was a man of a bold and vigorous character; but his subordinate rank among the proud princes of the empire, and his want of means to gratify the craving appetites of his more powerful constituents, exposed him to all the obloquy of disappointed hopes and promises unfulfilled. His influence had accordingly languished almost from the moment of his election, and he found himself at once in a state of irksome dependence upon sordid friends and disaffected subjects. Unfortunately for him, his undertakings were out of all proportion to his means of execution. He was bent upon vindicating the honour and integrity of the empire against the lawless encroachments of Philip le Bel; but the selfish policy of pope Boniface VIII. had stepped in between him and the accomplishment of his plans. The dispersion of his army for the reconquest of the Burgundian and Arelatian provinces, fraudulently appropriated by the French, was a blow fatal to his waning influence; and the venal discontents of a corrupt constituency soon ripened into a deliberate conspiracy for his dethronement, and the substitution of a more wealthy and openhanded opponent. Albert duke of Austria, the eldest son of Rudolph of Hapsburg, placed himself at the head of the conspirators. The only obstacles to be encountered in the treasonable enterprise arose from the attachment of the cities and towns of the Rhenish provinces to the emperor, and the probable disapprobation of the Holy See. The cities, although loyal and stanch, were no match for the powers arrayed against them; and the fear of Rome, the conspirators thought, might be neutralised by taking the Pope into their counsels. Boniface, however, wisely refused to admit the envoys of the rebels to an audience; and, in token of his continued support, renewed to Adolphus the promise of the imperial crown.

State of Germany. Adolphus of Nassau.

Albert of Austria and the Pope.

And in point of fact—except when combination was essential to the execution of her own special objects—a state of division in the outer world was more consistent with the traditional policy of Rome than a pacific communion of interests. But, besides this consideration, the pontiff was anxiously bent upon the maintenance of the pretensions of Charles Martel and his infant son to the throne of Hungary; and the elevation of Albert of Austria to the imperial dignity was not unlikely to prove fatal to that project.

Rebellion of Albert; death of the emperor Adolphus of Nassau.

But, in contempt of the pontifical reprobation, the states of Germany proceeded to depose Adolphus of Nassau; and Albert of Austria was elected in his room. The emperor defended his crown with the courage of a lion; foremost in the fight, he witnessed the fall of his few faithful followers, and plunging into the *mêlée*, fell like a good soldier in righteous battle. Since the downfal of the Hohenstauffen the pontiffs of Rome had accustomed themselves to regard the empire as a fief or dependency of the Holy See; disposable, as circumstances might admit, as a reward for faithful services.[h]

Rage of Boniface VIII.

The rage of pope Boniface, when the news of this unexpected revolution reached him, exhaled itself in menaces and execrations: "May God destroy me," he exclaimed, "if I do not punish this murder: yea, are not all the kingdoms of the earth in my hands? Have I not two swords? if the spiritual be inefficient, shall I not unsheathe the temporal? Moreover, this Albert hath an ugly visage; he hath but one eye; and his wife comes of the viper-brood of Frederic."[i] The envoys sent by Albert with a dutiful request for the papal confirmation were accosted with the like cutting and contemptuous reply. "He is unworthy of the empire," exclaimed the indignant pontiff, "by reason of the treacherous murder of his liege lord and master."[j]

[h] As in the case of the crusade for the subjugation of Sicily, or the punishment of any other powerful delinquent.

[i] She was the half-sister of Conradin of Hohenstauffen.

[j] The Liber Augustalis of *Benvenuto de Rambaldis* (ap. *Freher*, tom. ii. p.

A cardinal legate was without delay dispatched into Germany with letters to the spiritual electors, commanding them to summon Albert to the bar of the Holy See, to answer for the barbarous murder and treason committed against his late sovereign; and if he should disobey, to pronounce the anathema against him, and release his subjects from their oaths of allegiance. The mandate, however, produced no material change in the position of affairs in Germany. The archbishops, it is true, gave a colourable obedience to the papal mandate. These great prelates had soon become disgusted with the government of Albert; more especially on the ground of his popularity in the Rhenish circles. The territories of the three metropolitan sees embraced almost the whole course of the Rhine. Large and highly oppressive tolls were levied by the archbishops upon the navigation of that principal artery of the national commerce. At the pressing instance of the cities bordering upon the river, Albert had greatly abridged or altogether abolished these tolls. This injury, and the apprehension of the further abridgment of their license to plunder subjects and strangers, inspired by the great military power of the emperor-elect, as well as by the vigorous hand with which he grasped the reins of government, prompted them, though perhaps tardily, to publish the pontifical menace; and to cite the king to appear and answer for the alleged murder and treason before the great court of the empire, to be presided over by the count palatine. This proceeding, however, implied a departure from the papal programme. It defeated the claim of the Pope to original and immediate cognizance of the cause, though it might not oust him of his appellate jurisdiction. The attack, however, answered the selfish purpose of the prelates as little as that of

Albert defies the Pope, and defeats the great prelates.

19) describes Boniface as "magnanimus tyrannus sacerdotum;" and affirms that he received the ambassadors of Albert upon his pontifical throne, with a crown upon his head and a sword by his side, and that he closed the interview with the words, "Ego sum Cæsar" (I am emperor). See also the Gesta Archiep. Trevirens. ap. *Martene et Durand.* Thesaur. ampliss. t. iv. p. 376; and conf. *Pfister*, Gesch. der Deutsch. vol. iii. p. 99. Adolphus of Nassau fell in battle on the 2d of July in the year 1298.

the pontiff. Albert fell upon the offending prelates with the rapidity of lightning, and in a short time reduced them to submission, upon terms which, while they relieved the grievances of the commonalty, were productive of important additions to his own domains, and of strength to his government.

Mandate of Boniface to the princes of Germany.

Boniface had over-acted his part; but he still entertained unbounded confidence in his spiritual weapons. The citation through the spiritual electors had failed; and he now addressed a general mandate to all the princes of Germany, commanding them to bring their delinquent king to the bar of Rome, to answer for the crimes of murder and treason—crimes which probably the majority of them had assisted him to commit. "For," said Boniface, "it is of the proper function of the Roman pontiff to sit in judgment upon princes; and, upon his own certain knowledge, to punish gross and notorious crimes, more especially such as by their very enormity, and by reason of the high station of the criminals themselves, do often go unpunished.... Albert duke of Austria," he continued, "had renounced his allegiance; had broken his oaths; he had slain his sovereign in nefarious battle; he had usurped his throne, and installed himself therein without the license or consent of the Holy See, to *whom it belongs to examine into, and to decide upon the personal character and qualifications of the candidate for the empire—one whom in due time, and after due deliberation, it might become the duty of the pontiff to consecrate and anoint to the high dignity of Emperor of the Romans;* for all which duties it behoved the pontiff not only to ascertain the fitness of the person, but also to examine into and approve the form and manner of the nomination and election, with a view to the acceptance or rejection of the candidate." Upon these considerations the legates of the Pope were instructed to publish the citation in all the cities, provinces, towns, and villages in the kingdom of Germany; and proclaim that, unless within six months of the date of that citation, the duke of Austria should appear by proper procurators or

nuncii before the pontifical tribunal to prove his innocence of the crimes laid to his charge, and submit to the judgment of the Holy See in all things commanded him to do or to suffer; his subjects should be, and were thereby—at the expiration of that time—released from their oaths of allegiance; and that all who should still adhere to his cause should become inevitably involved in the like punishment.[k]

Approximation of Albert of Austria and Philip le Bel against the Pope.

But the king of the Germans, with whatever indifference he may have thought it safe to receive this document, perceived the necessity of strengthening his hands against a still formidable foe. He therefore renewed his advances to Philip le Bel of France, and soon brought matters to bear with that prince in the shape of an alliance offensive and defensive against the common foe. The objects, however, of the two sovereigns were too different to lay the foundation of a solid friendship. Philip was by this time bent upon the ruin of pope Boniface and the overthrow of the papal influence in France: Albert had no immediate objects in view other than to obtain the imperial crown, and to establish his power in Germany—if need were—in spite of the Pope. He had no desire to curtail either the spiritual authority or the emoluments of the court of Rome derivable from his dominions. The compact was, in fact, loose enough to leave it open to both parties to treat with the common enemy. The Pope had no real interest at this moment to withhold the confirmation and coronation demanded; nor could the king of the Romans be sorry to have his hands free against a prince whose encroachments upon the territories of the empire had raised a strong feeling of resentment among his subjects, and had all along stood in the way of his negotiations with the French king, even after the rupture of the latter with the Pope. King Albert's intent was, in short, to bring the Pope to his senses: that of Philip le Bel to drive him into every extravagance that should most surely conduce to his ruin.

[k] The bull is dated 13th April 1301. *Raynald.* ibid. p. 303.

Fresh causes of quarrel between Philip le Bel and the Pope.

With this state of political relations before us we revert to the affairs of France subsequently to the year 1299. The resentment excited by the bull "Clericis laicos" had never faded from the vindictive memory of Philip le Bel. The late temporary, and rather passive than active, accommodation with Rome had probably no other object but the strengthening of the French influence in Italy. If the expedition of Charles of Valois served no other purpose, it was eminently useful in introducing French partisans and French agents into the heart of that country. Purblind with pride and ambition, Boniface VIII. tampered with instruments requiring more delicate management than he was capable of bestowing. Meanwhile the elements of strife in France were accumulating from day to day. In the year 1299 Robert count of Artois, a brother of Philip, was summoned peremptorily to appear at the bar of the Pope at Rome to answer for the usurpation of certain lands alleged to belong to the see of Cambray: the citation commanded him either to restore the lands to bishops of the see, or to make good his pretensions in person to the satisfaction of the Holy See.[1] This proceeding was sufficiently offensive to the haughty spirit of Philip. A more serious ground of quarrel arose in the course of the year between the king personally and pope Boniface. Philip had, in the exercise of a very ancient though ever-contested prerogative of his crown, entered upon the estates of the metropolitan see of Rheims after the death of the archbishop of that church; and had refused to refund the rents and revenues of the vacancy to Robert de Courtenay, the newly-elected primate. The Pope as stoutly maintained that the king could hold them only as trustee for the successor, under strict obligation to account to him for all the proceeds, as soon as a canonical election confirmed by the Holy See should have determined the right. The archbishop-elect declined investiture without previous restitution, and carried his complaint to Rome. With his usual im-

[1] *Raynald.* an. 1299, p. 270.

petuosity, Boniface made himself a party to the dispute. The archbishop resigned his see into the hands of the Pope, and the latter reëlected and consecrated him with his own hands.[m]

Final rupture between Philip le Bel and the Pope.

These incidents predisposed the minds of both king and Pope to seek a quarrel, even if occasion had been remote or altogether wanting. But both Philip of France and Edward of England had furnished Boniface with manifold grounds of complaint. The clergy of France, in particular, had loudly protested against the oppressive irregularities of the king's officers in the collection of the tenths recently granted to the crown of France. They addressed the Pope for a remedy of these grievances. Boniface threatened to convoke a general council, which should put an end to all such abuses, and afford protection to ecclesiastical property against "the profligate encroachments of the laity."[n] In the following year (1300) a new cause of irritation presented itself. The county of Melguiel, a district lying within the delta of the Rhone, had been, since the Albigensian wars (circa 1209) claimed by the Holy See as part and parcel of the patrimony of St. Peter;[o] and the administration and profits had, in fact, been enjoyed by the bishop of Maguelonne under a papal grant. Philip, however, ousted the officers of the bishop, on the ground that the county belonged territorially to France. Boniface resented the act of the king's officers as an invasion of the rights of the Holy See. He inveighed bitterly against the unspeakable ingratitude of Philip, in thus inflicting injury upon a benefactor, to whose protection he was indebted for his escape from perils which, but for that protection, must have proved his ruin: the king, he said, would do well not to expect that he (the Pope) would act the part of the "dumb dog that barketh not when the thief is at the gate:" an example, therefore, must be made of the king's officer and principal actor in the scene of spolia-

[m] *Raynald.* ibid. p. 272.
[n] *Id.* ibid. p. 273.
[o] Conf. *Cath. Pet.* Book xiii. c. 7, p. 546.

tion, the Viscount Amauri of Narbonne: he accordingly gave notice to the king that the criminal had been cited to appear before himself at Rome, to show cause why he should not be proceeded against according to the laws of the church.[p]

General and special causes of quarrel.

The papal annalist observes that the final rupture between Boniface VIII. and king Philip IV. of France may be dated from this point of time. But for the ultimate cause of quarrel we must look a little below the surface. In the course of ages bygone a vast mass of secular land had become annexed to the churches, without, however, discharging them from the secular burthens originally incumbent upon them. The canonists, indeed, maintained that the dedication of any and every kind of property to pious uses, or persons of religion, drew all such property under the operation of the canon law, and, of course, exempted it from secular burthens. The temporal lords naturally objected to allow themselves to be thus curtly ousted of their rights, and in the process of exacting them often incurred the charge of violating the sacred property of the churches. The histories of France and England—more, perhaps, than those of other countries—abound with instances of conflicts of this kind. Philip le Bel had sensibly felt the inconveniences of clerical pretensions; and his officers in the provinces had frequently ousted the ecclesiastical usufructuaries out of the governing powers and immunities they had usurped. In this way he had clipped the wings of the great prelates of Rheims, Chartres, Laon, Poitiers, Lyons, Narbonne, Pamiers, and others. His administration had dealt with their lands and demesnes as with other secular estates; and transferred

[p] The county of Melguiel was anciently a part of the county of Narbonne. It had been appropriated by pope Innocent III., as his share of the spoils of Viscount Raymond Beranger of Beziers. The claim of the Pope rested upon the annual payment of one pound of silver, which had been granted, not, it seems, by the crown, but by some former lay feudatory, who, however, could not bind his superior by any kind of tributary alienation. But Rome never took any account of objections arising out of secular law. Conf. *Cath. Pet.* Book xiii. c. 7, p. 539, note (v). See also *Raynald.* an. 1300, p. 298.

the management—as far as the burthens incumbent upon such estates were concerned—to the royal governors of the provinces. The operation was probably performed without any great degree of delicacy or discrimination. Barnard de Soisset, bishop of Pamiers, rushed gallantly to the rescue of the violated privileges of his church. The language of controversy in that age was sturdy, and often of the coarsest character. But the bishop improved on the ordinary tone of ecclesiastical polemics. In the course of his advocacy he transgressed the bounds of decent respect towards his sovereign; he denied that the episcopal lands of Pamiers had ever been subject to the crown of France. "The king," he said, "though he might be the handsomest person in his dominions, was also the most profligate; he was, in fact, destitute of every virtue, and altogether unfit to be a king." He was reported to have published a prophecy attributed to Louis the Saint, purporting that in the reign of his (Louis's) grandson the kingdom would fall into the hands of strangers, and that he would deserve to lose the crown. Philip—he maintained—was altogether worthless: he was not of the illustrious race of Charlemagne, and therefore not of the legitimate line of the Frankish kings; he was neither man nor beast, but a sort of middle thing between both; ignorant of everything but how to trample upon all beneath him: the whole court of France was false, corrupt and perfidious; the people of (northern) France were the natural enemies of the south, never ceasing to plunder and oppress them under encouragement from their king.

Invective of the bishop of Pamiers.

When opportunity favoured, Philip le Bel always sprung directly at the throat of his opponent. The bishop of Pamiers was arrested, and, according to custom in dealing with ecclesiastical delinquents, given into the custody of the archbishop of Narbonne on a charge of high treason. The arrest was formally notified to the Pope; and a long list of contempts committed by the prisoner against the person, crown, and dignity of his sovereign was appended to

Wrath of Boniface.

the report. This message aroused a tempest of wrath in the angry spirit of Boniface. The act of laying violent hands upon the sacred person of a bishop was, in the estimation of the rigid canonists of the age, an offence for which no visitation was deemed too severe. The archbishop was commanded immediately to release his prisoner,[q] and to report fully to the Pope himself upon all the circumstances of the case. On the spur of the moment, a vehement monition—known in history as the bull "*Ausculta fili*"—was addressed to the king: if, it said, on the receipt of this letter of rebuke, the king should decline to restore all lands and other possessions belonging to the church of Pamiers sacrilegiously seized by his officers, the severest censures of the church would assuredly befall him: the charges laid against the bishop were, no doubt, a tissue of slander and falsehood. "But," added the Pope, "it is an uncontested and incontestable fact, that, by the authority of the *divine law*, *as well as by that of all human ordinances*, *no power or jurisdiction over the prelates of the church or any ecclesiastical persons*, *be they secular or regular*, *belongeth to the laity*." The king, therefore, must either immediately withdraw every impediment in the way of the free exercise of his ecclesiastical privileges by the bishop of Pamiers, and assign some legal excuse for the ill-treatment of that prelate, or expose himself to the utmost penalties of the canons.[r]

The Bull "*Ausculta fili.*"

But the flashes of the spiritual sword had by this time in a great degree lost their terrors. Philip IV. did not trouble himself to enter on a refutation of the argument or the principle of the bull, and would probably have paid little attention to it, if it had not been accompanied by another address of even date addressed to the clergy and laity of France, with a manifest intent to nurse up existing discontents into active rebellion. In that docu-

The Pope convokes the clergy and laity of France against the King.

[q] For the principle of this proceeding, conf. *Cath. Pet.* Book vi. c. 7, pp. 191, 197, and 201.

[r] See the document, dated from Agnani, 5th Dec. 1301, ap. *Raynaldi*, ad an. p. 314.

ment Boniface VIII. summoned the whole body of the Gallic clergy to a solemn convocation before himself at Rome, *with a view to take immediate action against the king as the avowed enemy of the church.* The laity of the kingdom were at the same time exhorted to lay before him their complaints of the tyranny under which they groaned simultaneously with those of the clergy, in order to enable him (the Pope) to abolish and reform all the abuses and extortions committed against either the ecclesiastical or secular subjects of the crown of France, and generally to concert measures with them for the correction of past excesses, and for the future welfare of the realm.[s] The intent of these documents was too transparent to escape the penetration either of the king or of his subjects; but as the impression might produce immediate inconvenience, the Pope thought it prudent to add some explanations that might tend to lay to sleep the suspicions which the naked language of these addresses could not fail to arouse in the minds of the king and every loyal subject. Boniface accordingly declared that the jurisdiction of the Holy See in no way implied the assumption of a governing power over the kingdom, but *that it extended only to the correction and punishment of sin and sinners* among the governors. But whatever conception it might have suited the purpose of the moment to inculcate respecting the limits of the powers claimed by the Holy See, the act of convocation must have appeared to his adversary in the light of a direct assumption of a legislative power, even when limited to the correction of alleged abuses and the reformation of the government of the country under foreign authority. It is, in fact, hardly possible to conceive a more direct or stinging challenge to the secular power.[t]

Futile explanations of the Pope.

[s] *Raynald.* ibid. p. 315.

[t] We observe in this place that the bull "*Ausculta fili,*" and the other documents relating to the same transaction, were subsequently tampered with by pope Clement V. at the instigation of Philip le Bel. They were known to Raynaldi only in the mutilated copies in the archives of the Vatican. M. Dupuy, a French lawyer (of whose work we regret not to have been able to procure a copy), has since brought them to light in their original form. See *Sismondi,* Hist. de Fr. tom. ix. pp. 79 and 85.

Meeting and reply of the states-general of the kingdom.

And in that sense it was conceived and boldly met by the king. It is difficult to exaggerate the exasperation produced on his haughty spirit by words such as those used by the Pope in the intemperate address alluded to. "Do not indulge in the delusion," he had said, "that you have no superior on earth, or that you are not subject to the prince of the ecclesiastical hierarchy; for he that believes this is a mere lunatic; he that maintains it is an infidel, and an alien from the flock of the good Shepherd."[u] The explanations of the Pope were in fact a repetition, rather than a limitation, of his claims to supremacy in any sense. Philip IV. accepted the issue thus presented to him with alacrity. He published an edict prohibiting all intercourse with Rome; he convoked the states-general of the kingdom; and at a full meeting in the church of Notre Dame at Paris, on the 10th of April 1302, caused the bull "Ausculta fili" to be read *literatim*, and the short question put, "whether they held their lands and fiefs of the king or the Pope." The equally laconic reply received was, that *they held of the king alone.* On receiving this answer the king swore a solemn oath to stake life and fortune upon the maintenance of the liberties of the crown and kingdom. The exportation of valuables in money, jewelry, or other commodities by which the court of Rome received remittances of revenue from the kingdom, was strictly prohibited; and with that view the passes into Italy were closely watched, so as to intercept as far as possible all access to the pontifical states. The barons of France at the same time addressed a strong remonstrance to the sacred college against "the monstrous pretension that their sovereign was subject to any power but that of God alone: certainly," they said, "such a pretension savoured rather of the language of Antichrist than of the messenger of peace and good-will to men, and must inevitably expose the union of church and state to the

Remonstrance of the barons, and petition of the clergy of France to the Pope.

[u] See the *Art de vér. les Dates*, from an unmutilated copy of the bull "Ausculta fili," vol. i. p. 203.

utmost peril." The clergy, on their part, entreated the Pope to "take heed lest that inestimable union be broken up, and implored him to provide for their safety and his own by revoking his late mandate; an instrument which neither king nor barons could ever be brought to approve." The cardinals replied that the Pope had not affirmed that the barons of France held of the Pope, and not of the king.[v] Boniface himself sought to involve the prelates in the dilemma of maintaining two contradictory principles, in affirming that the things temporal are not subject to the things spiritual.[w]

Changes in public interests and opinions adverse to the papacy.

It is manifest that pope Boniface VIII. could no longer reckon upon that devout attachment of the clergy of his communion which had so powerfully assisted the Innocents and the Gregorys in beating down opposition to principles not less extravagant than those maintained by their successor under such different auspices. Since that golden age of pontifical ascendancy the political organisation of Europe had become more consolidated; the eyes of men had been averted from Rome and the Holy Land, and turned more intently to their own internal interests. But this revolution of public opinion is perhaps more manifestly traceable to the monstrous exactions practised by the court of Rome on the subject, both temporal and spiritual. Independently of reservations, provisions, expectances, commendams, purveyances, and the like, the oppressive levies of tenths, and other extraordinary modes of supply, based upon trans-

[v] This was true to the letter, but practically false. The unlimited right to impute and to punish the sins of rulers; consequently—with a view to such interference—to meddle with and control every act of government that might affect the interests of the superintending power, necessarily converted both princes and subjects into simply responsible agents of a foreign domination, after which the question from whom they held their respective titles and estates must fall to the ground.

[w] That is, inferentially: they had not affirmed any such proposition, but their advocacy of the king's policy seemed to prove that they preferred obeying the one master rather than the other, yet without renouncing their allegiance to either. Boniface would not permit them to serve two masters; Philip le Bel was of the same mind. Conf. *Art de vér. les Dates*, tom. i. art. Boniface VIII.; *Dom Vaissette*, Hist. de Langued. tom. iv. p. 106; *Raynald.* an. 1302, p. 326.

parently false pretences, more especially the diversion of the funds destined for the rescue of the holy sepulchre to the private wars and ambitions of the popes,—not a little enhanced by the peculations and rapacity of the curia, and every agent of the court of Rome,—at length drove clergy and laity alike into the arms of the civil powers for protection against the intolerable abuses of sacerdotal management. While the Roman pontiffs were in a position to place themselves at the head of the armies of Christendom, the people took little heed of the manner in which their means, their money, or their blood were disposed of. When the wars of the cross ceased to fix all eyes upon Rome,—when, instead of adventure, license, and pillage, nothing was to be earned but scanty pay, sweetened perhaps by absolutions and indulgences,—men became more discriminating in distinguishing the wars of God from the wars of the popes; the latter were compelled to substitute pay for plunder, and to raise armies by the same inducements as those resorted to by their neighbours. The demands of an ever-empty treasury increased *pari passu* with the greedy cravings of the curials, till no other cry from Rome was heard but "money—money!" Under the natural impressions produced by such management, the law of Rome could no longer be set up against the law of the land with the same effect as theretofore; canonism lost ground; and the papacy was in a great measure thrown back upon its spiritual influence, to make the best bargain it could with the temporal powers for some share in the plunder of the subject. The resistance had begun in France, even under the pious reign of Louis the Saint. Edward I. of England took up the defence with greater promptitude and more decisive effect.

Boniface VIII. against the non-intercourse decree.

Reverting to the course of events in France—the decree of the king and the great council of the kingdom prohibiting the migration of the clergy to Rome on the Pope's business, and the stoppage of intercourse and supply from the kingdom, produced a climax of irritation in the

mind of the imperious pontiff. In a passionate address to the Gallic clergy he described that ordinance as a suggestion of Satan through his representative, "that son of Belial," Peter Flots, the chancellor of France. He contended that the construction put upon the bull "Ausculta fili" by the court was a "venomous fiction," designed "to swindle both clergy and laity out of their duty to God, to sever the unity of the church, to rend the seamless garment of Christ . . . The remonstrance of the clergy was not the voice of the faithful, but the jargon of certain false priests, the creatures of a corrupt and godless court . . . fellows who had dared to affirm the execrable doctrine that human affairs were not subject to the divine law."[x]

Publication of the bull "Unam sanctam."

As if it had been the desire of the Pope to cast fuel upon the flame of discord, he had, simultaneously with the publication of the bull "Ausculta fili," withdrawn or annulled all the special privileges and immunities in former times granted by the Holy See to the kings of France.[y] Three French bishops only were permitted by the king to attend the convocation at Rome; not, however, as representatives of the body of the Gallic clergy, but simply to explain their views, and to lay their humble remonstrance at the foot of the papal throne. The Pope, however, took that opportunity to publish his celebrated manifesto, entitled, from its introductory words, the bull "Unam sanctam." The document was pointed unmistakeably against the party in the church who, in his own words, had dared to assert the independence of civil law and secular government of canonical or papal ordinance and ecclesiastical supervision.

Substance and purport of the bull.

"By the Catholic faith," says this notable document, "we are compelled to believe that there is one holy catholic church, . . . out of which there is no salvation or forgiveness of sins; . . . a church representing wholly and exclusively the mystic

[x] *Raynald.* an. 1302, p. 327.

[y] One of these was the exemption from excommunication or interdict by any ecclesiastical authority but that of the Pope in person.

body of which Christ is the spiritual head. . . . Of this church there is one only chief, to wit Christ, and his vicars and their successors, by virtue of the commission to St. Peter conveyed in the words, 'Feed my sheep,' . . . to wit, my sheep generally, not individually of this or that flock. Therefore, if any one shall say that he is not so commissioned, verily he is not of the Lord's flock; for hath He not said, 'There shall be one fold and one shepherd'? Thus also we learn from the gospel that unto Peter were given two swords, the spiritual, namely, and the temporal: for when the apostle said to him, 'Here are two swords'—the spiritual, namely, and the temporal—the Lord did not reply, 'There are too many,' but simply, 'It is enough.' Surely, then, he who denieth *that Peter wields the temporal sword* but ill apprehends the Lord's meaning when he said, 'Return thy sword into the scabbard:' therefore (?) both swords, to wit, the material and the spiritual, are given to the church; the former to be wielded *for* the church by the hand of the prince at the command or by the permission of the priest: yet it follows of necessity that the former sword should be subject to the latter, as the inferior is to the superior; inasmuch as it is the rule and order of divine things that the lower authority should work through the middle term, and the middle remain in dependence on the supreme in like manner as the spiritual authority riseth superior to the earthly in dignity of character and nobility of origin; a doctrine abundantly clear when we consider the superior excellence of spiritual things over the things temporal; and this manifestly appears from the nature of the power itself, as well as from the general plan of the divine government: for holy Scripture witnesseth that the *spiritual power is ordained of God himself to be the arbiter and judge of the earthly, whether it be good or evil; therefore, if earthly rule fall into error, it becomes* ipso facto *amenable to the judgment of the spiritual;* and for the same reason, if the inferior spiritual ruler swerves from the path of rectitude, he must be judged by his superior; but the power exalted

above all can be made responsible to God alone, and not to man's law; 'for,' saith the apostle, 'the spiritual man judgeth all things, but is himself judged of none:' therefore this supreme authority, though given to a man, is not human, but divine, conferred by God himself upon Peter and his successors. . . . In consideration of all which premises, *we do hereby declare, pronounce, and define that it is necessary to salvation that every human soul should be subject to the Roman pontiff.*"

Malevolence of the Pope; retaliatory measures of the King.

The world did not trouble itself either with the facts or the logic of this astonishing declaration. It was, however, clear enough that the real question raised was, whether the church was to be the servant of the state, or the state the slave of the church.[a] After this there could be no mistake, no self-deception on the part of the secular government; and Philip le Bel was prepared to cut the knot which he was at no pains, even if he had known how, to untie. Boniface, on the other hand, rushed to the battle with a passionate temerity which served only to increase his difficulties, without improving his position, or creating alarm in the mind of his adversary. The clergy of France, who had little cause to be satisfied either with king or pope, feared the former more than the latter. The laity had fully comprehended the drift of the question put to them by the king at the convocation of the states-general in this year.[b] The discernment of Philip IV. had fairly laid bare the real question at issue; and he had obtained a reply which practically overthrew the very principle of the traditional policy of Rome. In the wild turmoil of his passions, Boniface VIII. saw, in this state of affairs,

[a] The papal annalist *Raynaldi* endeavours to persuade his readers that, in fact, this question was not raised by any of these documents. Perhaps after their mutilation by Clement V. at the behest of Philip le Bel, the sting was in some respects drawn. A kind of veil had hitherto been thrown over the naked pretensions of the papacy in favour of the powers with whom Rome was not at variance, or whom it might suit her to conciliate; but in a moment of anger Boniface VIII. imprudently withdrew the veil, and exhibited the principle in its startling and alarming nakedness.

[b] "Whether they would be the king's subjects or the pope's."

nothing but the foulest rebellion. He published a sweeping anathema against all men, of *whatever rank or degree*, who had taken part in molesting, impeding, or preventing any person or prelate from dutiful attendance upon the late synod, "*even though he were of imperial or royal dignity;*" repeating on the occasion the withdrawal of all spiritual privileges from the crown and kingdom of France, with an insulting *locus pœnitentiæ* to the king, if he should sue for pardon in proper ecclesiastical form.[c] But Philip was weary of the incendiary bulls and libels which the Pope had for many months past scattered over the face of the kingdom; and he replied to this last manifestation of papal malevolence by a general ordinance prohibiting the introduction of all papal bulls and writings into the kingdom upon the severest penalties. The nobles and the officers of the crown vied in zeal for the execution of the decree. Count Robert of Artois, the king's younger brother, arrested the legate to whom the late bull was intrusted for publication, seized his despatches, and sent him out of the kingdom. He even took a step beyond all precedent, and in the presence of the king publicly committed the offensive documents to the flames.[d]

Boniface proposes terms of reconciliation to the King.

The pontiff had, as already stated, granted a "*locus pœnitentiæ*" to the king; and the latter, under the impression that documents from Rome, affecting himself personally, would, in the present disposition of his people, be rather advantageous than detrimental to his interests, accepted a communication from Boniface stating at large the terms of pardon for all his late transgressions. These terms ran thus: "That the ordinance of non-intercourse be at once and unconditionally re-

[c] The bull is dated from the Lateran on the 29th of June 1302. *Raynald.* ad an. p. 329, and *Id.* ibid. p. 330.

[d] Count Robert was soon afterwards defeated and killed in an unsuccessful attempt to quell an insurrection of his Belgian subjects. *Raynaldi* (loc. cit.) sees in this misfortune, and the failure of Philip himself to put down the rebellion, a manifest judgment of Heaven upon them for their disobedience to the commands of their spiritual superior.

pealed; that the legates, messengers, and officers of the Holy See have free ingress and regress throughout the kingdom without leave or license from the crown or its officers; that the rights of the Holy See in all *reserved* benefices be protected and saved harmless; that the administration of vacant sees and prelacies be intrusted to ecclesiastics accountable to the Holy See, to whom alone that right belongs; that the king acknowledge without demur the *prerogative of the Pope to impose pecuniary contributions upon the clergy of France to any extent he might think requisite, without the leave of the crown;* that thenceforth no ecclesiastic be compelled to appear at the suit of a layman in the secular courts in any personal action, or action of right, or touching real estate, not held by lay service; that whereas the king had procured or permitted a pontifical bull, 'with the sacred images of St. Peter and St. Paul impressed upon the seal thereof,' to be burnt in his presence and before his eyes, in contempt of God and the Holy See, he do forthwith appear by his representatives or procurators to discharge himself of the said offence, if he be able so to do, and engage to obey the pontifical decision in the premises; inasmuch as it is of the utmost importance that the Pope, acting under a just sense of the enormity of the transgression, should exhibit a public example in the condign punishment of so enormous an offence: moreover, *that the king desist from defrauding his subjects by debasing the coinage of the realm*, to the great damage of the prelates and churches, the barons, and all his subjects; and that he do make restitution for the injury already done:[e]—unless, therefore, the king should repent and amend his manners in all these respects, the pontiff reserves to himself the right of proceeding against him, spiritually and *temporally*, as may seem expedient."[f]

If any doubt could have been entertained of the

[e] The loss of the Holy See from this cause was probably uppermost in the mind of Boniface. The remittances from France in a depreciated coinage must have been specially inconvenient.

[f] See the entire document ap. *Raynald.* an. 1303, pp. 351, 352.

Reiterated remonstrances of the French clergy.

ultimate views of pope Boniface throughout the controversy, the mixed hypocrisy and insolence of this address must have dissipated it. The reply of the king and council of France —whatever it was—threw the Pope into a paroxysm of rage. He wrote a letter to the king's brother, Charles of Valois, breathing the coarsest vituperation and menace. The pretension of the Pope to restore the city and district of Lyons to the empire, from which it had been rent by Philip, was felt, perhaps, as the most bitter ingredient in the cup of discord. The prelates of France made a last effort to avert the storm: they besought the Pope to consider well the evils the severity of his proceedings were bringing on his friends in France; they described the irritation prevailing among the laity of all classes; the damage suffered by the churches in consequence of his desertion; their own total loss of influence; the contempt into which their censures and the judgments of their courts had fallen; finally, they implored him, "with clasped hands and many tears," to take compassion upon them; to address himself sedulously to the means of reconciling church and state, and of putting an end to the scandals and sufferings to which his late proceedings had exposed them.[g]

Reconciliation of Boniface with Albert of Germany.

The fears of the Gallic clergy, the very humility of their address, may have inspired a hope of regaining the ascendancy he had forfeited by his intemperate dealing with all classes of their countrymen. In the interim his adversary had sustained a reverse in Flanders; and Albert of Germany had held out the hand of reconciliation. The temporary alliance of the latter with Philip had, in fact, no other object than to compel the Pope to withdraw his censures, and to recognise his pretensions to the imperial crown. Boniface had at last arrived at the conviction that he could no longer afford to neglect any opportunity of strengthening his hands against so formidable an adversary as the king of France. He accepted the submission of the titular king of the Romans,

[g] *Raynaldi*, ibid. p. 352.

and in reply adverted complacently to the merits of his father, the late emperor Rudolph: he admitted the unanimity of his election, and the loyalty of his subjects during the six years that had elapsed since that event; he had freely confessed the crime committed against his predecessor, and spontaneously tendered the usual oaths of fidelity and obedience to the Holy See; "therefore," said the pontiff, "we, seated upon our *imperial* throne, and surrounded by our court, acting in our accustomed character of consoler of the penitent and afflicted, and manifesting our *omnipotence* by long-suffering and mercy, have preferred the paths of gentleness and kindness to the course of rigorous justice, and have resolved to confer upon, and confirm you, Albert, in the kingdom of the Romans, thereby supplying all defects that might still cling to your election."[h]

Abject submission of Albert.

The states of Germany entertained resentments against Philip le Bel, of which the Pope knew how to avail himself. The encroachments of the king upon the western circles of the empire had irritated the people, without producing the unanimity of councils necessary to vindicate their rights. This sense of injury had been suppressed for a time with a view to induce the Pope to revoke his censures, and to recognise the claim of Albert to the crown of the empire. The late compact with France, indeed, might stand in the way of the reconciliation; but this difficulty was speedily removed. Boniface solemnly cancelled all subsisting treaties and obligations contracted by the emperor-elect and the estates of Germany with the king of France, and obtained from the gratitude of Albert a pregnant admission of the dependence of his position upon the good pleasure of the Holy See. He adopted the groundless fable of the transmission of the imperial power and title through a supposed delegation of the empire of the West to pope Sylvester by Constantine the Great; he bound himself to

[h] The document is dated from the Lateran on the 21st of April 1303. *Raynaldi*, ibid. p. 339.

protect the church of Rome against all and all manner of persons who should molest or be obnoxious to her; he swore an oath of allegiance to the Holy See *differing in no respect from that of a vassal to his liege lord*, and engaged, in terms which admitted of no evasion, to ratify all the cessions made to the Holy See by his father Rudolph; he yielded up to her use all things mentioned or contained in the spurious charter of Louis the Pious to pope Paschal I., and in the equally spurious donation of the emperor Otho the Great to pope John XII.[i] To all these things he pledged his oath in token of his *filial devotion and reverential obedience to his lord the Pope*, vowing to defend his person and the primacy of the Holy See against all the world; *to be the friend of her friends, and the enemy of her enemies, whatever their rank or dignity*, whether monarchs, emperors, or princes, and to engage in no treaty, alliance, friendship, association, or obligation with them, nor to bind himself to them by any compact or confederation; and that if perchance he should have inadvertently involved himself in any such engagement to *any one who should be, or might thereafter be, at variance with, or in open or secret hostilities or rebellion against, the holy Roman church, he would hasten to cancel and repudiate the same*, and at the requisition of the Pope to make war on and fight against them to the utmost of his ability. Lastly, that he should engage not to set foot in Italy, though it were for the purpose of his coronation, without the express permission of the pontiff of Rome.[j]

These conditions express no other intent than that which Innocent III. and his successors had uniformly entertained. Boniface VIII. did little more than enounce that intent in plainer and broader language than any in which the see of Rome had hitherto ventured to clothe it. It is

Albert acknowledges himself a vassal of the Holy See.

[i] Conf. *Cath. Pet.* Book viii. c. 3, p. 473, and Book ix. c. 1, p. 27. These documents are designated in the oath of Albert by the first words: as "Ego Ludovicus Imperator," &c.; and "Tibi domino Johanni Papæ," as described in the decretals.

[j] See the entire document ap. *Pertz* Mon. Germ. Legum, tom. ii. pp. 483-485. And see *Raynald.* an. 1303, pp. 339 et sqq.

rather less easy to comprehend why Albert of Austria should have listened to and adopted this pontifical exposition of his relative position to the Holy See with patience, not to say with complacency. Reflecting, however, that the house of Hapsburg had risen upon the ruins of the Hohenstauffen dynasty, and that the persevering resistance of the latter to the very pretensions disclosed in the concordat before us had been the efficient cause of their downfal; remembering, at the same time, that the succeeding candidates for the empire—William of Holland, Alphonso of Castille, Rudolph of Hapsburg, and Adolphus of Nassau—had professed their filial dependence upon, and humbly sued for the patronage of the Holy See on behalf of their several pretensions,—considering these circumstances, it cannot be denied that the papacy had established a strong precedent in support of its original claims to a temporal as well as a spiritual supremacy in the direction of the national affairs. It might perhaps be added, that a fate like that which had befallen the Frederics, the Conrads, and the Manfreds, might have produced a strong impression both of the danger and the unlawfulness of resistance to the spiritual supremacy universally admitted to reside in the bishop of Rome. The great Rudolph of Hapsburg had acknowledged that supremacy in terms expressive of subordination, if not of actual vassalage. He had abandoned the rights of the empire in Italy; he had admitted that *all he was and all he had* was held of the grace and favour of the Holy See. In his own mind Rudolph may have dwelt rather upon the religious than the political significance of these professions; but the matter was to all appearance set at rest by his son and successor, and the Holy See could now exhibit to the world an authentic document proclaiming the acknowledged chief of the monarchs of Latin Christendom a vassal of the Pope of Rome.

Causes of subserviency. Demands of the Pope.

The influence of Rome in Germany had for the last century rested mainly upon the disintegration of the national constituency. Albert had difficulty in contending against dangers

arising out of this state of things. His subjects, upon whose precarious allegiance he could not count with safety, were about to fall from him, as they had fallen from his predecessor, Adolphus of Nassau. The Pope apparently held his fate in his hands; no professions could be too abject that might help him out of the perils which surrounded him. But though hollow, as such professions always must be, they generally served as a rod to intimidate, if not to chastise, the unruly pupils of the pontifical school. The first service demanded of the emperor-elect was to array the whole force of the empire with a view to place the crown of Hungary upon the head of Charles Martel, the younger son of Charles II. of Naples. The king was ordered to take the field without delay against Wenceslaus of Bohemia, who had presumed to oppose the pretensions of the family of Anjou to the Hungarian throne. Albert made a show of obedience: he marched against the king of Bohemia, but after a short campaign retired without striking a blow. This first proof of devotion was not very encouraging; but danger from another quarter diverted the attention of the Pope from the shortcomings of his new client, and for the present inclined him to suppress his dissatisfaction; and the arms of Albert were now put in requisition to avenge him of his great enemy, Philip le Bel of France.

Philip le Bel brands Boniface as usurper and false pope.

That prince, however, as soon as intelligence of the compact between Boniface and his late ally reached his ear, determined to spring the mine he had long prepared for the ruin of his adversary. An assembly of the states-general of France, embracing deputies from the nobility, clergy, and great cities of the kingdom, was held at Paris on the 13th of June 1303. The great council of the kingdom at once denounced Boniface as a *heretical usurper* of the pontifical throne, and the perpetrator of many other crimes and atrocities; and declared their resolution to give aid and counsel to the king against all his enemies, more especially against "the *false pope* Boniface." The offender had, it was al-

leged, unlawfully obtruded himself upon the pontifical throne in the lifetime of his predecessor, Cœlestine V.: no one could conscientiously obey a pope tainted by so foul a usurpation and heresy; and an appeal to a general council of the church was solemnly recorded against him. The resolution of the great council was published in every province and city of the realm; all ecclesiastical persons were commanded to append their seals to the act of appeal, and general proclamation was made, minutely enumerating the articles of charge throughout the kingdom, and in the hearing of all people.[1]

Retaliation of Boniface.

In his reply to this act of appeal, pope Boniface asked how it was possible that any such right should exist, seeing that by force of the canons the sole prerogative of convoking a general council rested solely with the Roman pontiff.[m] But the legal argument of the remonstrance seems to have made no impression upon the obdurate Gallicans. Clergy and laity, with the exception of a few ultramontane advocates, joined in the protest. The small number of prelates and ecclesiastics who had dared to brave the wrath of the court and the resentment of their countrymen were sent in exile to their master the Pope, a burthen rather than a help to his cause. Boniface encountered this demonstration on the part of his enemy by a counter-blast intended to paralyse every branch of ecclesiastical

[1] The papal annalist *Raynaldi* is highly indignant at the appeal to a general council. "It was," he says, "of a piece with the ordinary jugglery of disaffected princes." He observes that at a council held by pope Pius II. at Mantua, the anathema was pronounced against all potentates who should appeal to a general council against the Pope. We find, however, in the records of the church of Rome down to the year 1300 only two synods of Mantua; those, namely, of the years 827 and 1064; and only one Pius, namely St. Pius, A.D. 142. But there is no doubt that ample authority may be gathered from the false decretals against responsibility to any tribunal but that of God himself. Conf. *Cath. Pet.* Book vi. c. 7, pp. 185, 187, 188. And conf. *Decret. Gratian.* p. 1. Distinct. 17, ap. *Richter*, Corp. In. Cor. tom. i. pp. 45, 46. Upon these dicta no possible appeal could lie to any general or particular council against a papal decision.

[m] If these canons were genuine, Boniface VIII. stood on strong ground; nor was there any contradiction to their validity. See the quotation from *Gratian* in the preceding note.

and educational instruction in the kingdom. He suspended all university degrees; he withdrew all licenses in theology, civil and canon law, and threatened the utmost penalties of the canons against all persons who should thereafter persist in the exercise of spiritual or academic functions. Meanwhile he provisionally filled the chairs of the banished prelates, reserving to himself the nominations to all sees and abbeys which should fall vacant while the contumacy of the king should continue; during which period all chapters were deprived of their privilege of election, and every other prerogative they might be entitled to, till further order. But a difficulty occurred as to how the requisite canonical notices were to be given to the parties affected by the decree. In France and England the introduction of papal bulls and ordinances was almost impossible. The Pope accordingly ordained that wherever these citations and decrees could not, by reason of such impediments, be directly brought home to the parties, it should be sufficient notice if the documents in question were conspicuously posted up in some public place within the city or place in which the pontifical court might be resident, so that either by hearsay or by public report they might be brought to the knowledge of the persons whom they concerned; and that such proceedings should, to all intents and purposes, be equivalent to a personal service, *whatever the degree or quality* of the person affected.[n]

Conspiracy of William de Nogaret.

But while pope Boniface VIII. was forging his thunders in the recesses of his palace at Agnani, a French partisan in concert with the Pope's bitter enemies, the Colonna, had organised a plot for his destruction. William de Nogaret, a creature of Philip le Bel, had secretly collected a body of three hundred men-at-arms in the vicinity of the papal residence. By the machinations of his con-

[n] See the three bulls dated on the same day, the 15th August 1303, the last of which goes by the title of "Rem non novam," from its first words. *Raynald.* an. 1303, p. 355.

federates, the troop was admitted into the city. The pontifical palace was surrounded in the night-time, and by noon on the following day the conspirators had forced their way to the apartments of the Pope; the pontifical treasury was plundered; and the cardinals, with the exception of two, deserted their master and fled for their lives. Pope Boniface met the emergency with dignity and courage. Finding the city in the possession of his enemies, he arrayed himself in his pontifical robes, seated himself upon the throne in the audience-chamber of his palace, the crucifix in hand, the golden crown (reputed to have been presented by Constantine the Great to his predecessor pope Sylvester)[o] upon his head, and in this attitude presented himself to his persecutors for insult or martyr- The Pope a prisoner. dom in the same haughty and defiant spirit as that which had governed his conduct through life. William de Nogaret and Sciarro Colonna assailed him with vulgar abuse; the former threatening to carry him away a prisoner to France, and to procure his deposition by a general council as a usurper and a heretic. But his retort could hardly fail to strike terror in the hearts of his assailants: "I shall," he said, "patiently submit to be condemned and deposed by Paterine heretics such as you, William de Nogaret, and your ancestors before you; for I know that at this instant, as heretofore, you are condemned to the stake as a convicted rebel and heretic."[p]

This menacing address appears to have paralysed the conspirators. Not a man among them ventured to lay hands upon the pontiff; and His release

[o] This is the only notice we have met with of this potent relic in connection with the mythic donation of Constantine.

[p] Philip le Bel certainly would not scruple to enlist the vindictive feelings of a person connected with the persecuted sects, in furtherance of his plans. There is no evidence that William de Nogaret had any such connection; but he was born in the diocese of Toulouse, where, no doubt, many Albigenses or *Paterines* (the common name applied generally to the Protestant sects of the south of France and northern Italy) still lurked. The entire diocese of Toulouse was regarded with an evil eye at Rome; hence probably the charge of heresy against William de Nogaret. For a short biography of this person, see *Dom Vaisette*, Hist. de Langued. tom. iv. p. 117.

after being detained for forty-eight hours a prisoner in his palace, the cardinal Luca dei Fieschi succeeded in rousing the citizens of Agnani from the stupor which the audacity and suddenness of the assault had inspired. The Pope was set at liberty, and escorted in safety to Rome; but here the fierce passions which had agitated his aged frame told fatally upon the powers of life. In his asylum at the Lateran he is reported to have been little less a prisoner than at Agnani, in the hands of his enemies the Colonna. The faction of the Orsini in the capital, unwilling to relinquish their grasp of the government, are said to have kept him in a scarcely less irksome bondage than that from which he had so recently escaped. Health and strength gave way under the pressure of disloyalty and disappointment, and on the 10th of October 1303 he died at Rome, in the eighty-sixth year of his age and the ninth of his reign.

and death.

The character of Boniface VIII. was judged of by his contemporaries from opposite points of view. By the ultrasacerdotal party he was regarded as the champion and martyr of ecclesiastical prerogative; to the secular powers he appeared as the demon of discord. A majority among the superior clergy reprobated his despotic interferences with their freedom of action, and his disregard of all rights that conflicted with his plans of acquisition and dominion. No preceding pontiff availed himself with so little success of the distractions in the political world as Boniface VIII. He was incapable of comprehending or allowing for those changes in the state of the political affairs which rendered a corresponding change—at least in tone and temper—indispensable to the maintenance of his influence. The ambitious projects reprobated by the liberal party were looked upon by their opponents as supremely meritorious; his inordinate pride and self-worship was written down to the score of zeal on behalf of the majesty of the church, and of his lofty sense of a position transcending all earthly power in

Character of Boniface VIII.

dignity and sublimity. Yet Boniface was a man of learning and capacity. He took up the position assigned to him by the traditions of his office with firmness, and would have maintained it with dignity, perhaps with success, had he known how to manage, not the outer world, but himself. Disappointment goaded him to anger; defeat or failure stung him to fury. His views, already confined within the strict limits of ecclesiastical tradition, were still further narrowed by an intemperate habit of mind which impelled him to fly at the throat of his adversary, without calculating his power of resistance or the real momentum of the assault. He believed himself to be walking conscientiously in the footsteps of the Innocents and the Gregorys; and dreamt that, like them, it was his duty and his privilege to visit resistance as a crime, and to vindicate the omnipotence of the Holy See with the identical weapons they had so successfully wielded. He could not be made to comprehend that the two-edged blade by which the world had hitherto been awed into silence or obedience had in a great degree lost its temper; and that the passive resistance the pontiffs had occasionally had to encounter might, with the change of men and times, become active, and blunt the edge of the spiritual weapon. The whole reign of Boniface VIII. had been, in short, one great error. He had tried the forbearance of his contemporaries to the utmost, but did not possess the penetration to discern the amount of mischief he was doing to his own cause. He had shaken the fabric of the papacy to its foundation, and prepared the way to a revolution which brought it down every year more nearly to the level of other merely political institutions, and, without altogether losing sight of its religious character, assimilating it with the governments and involving it in the political interests of the kingdoms of the world. The more ancient idea of the union of church and state had shifted its ground from that of the absolute supremacy of the former to a virtual, yet unacknowledged, de-

pendence upon the ordinary vicissitudes of mundane affairs.[q]

[q] *Raynaldi* is a great admirer of Boniface VIII. He tells us that at the demolition of the old church of St. Peter to make room for the more recent structure, his body was found without an appearance of decay; from which he comes to the conclusion that the story, that on his deathbed he had gnawed his own flesh with rage or despair, must have been a malicious fable. *Raynald.* an. 1303, p. 359. *Baronius* says that Boniface reigned eight years nine months and eighteen days. *Ibid.*

CHAPTER VIII.

MIGRATION OF THE PAPACY.

Election of Benedict XI.—Affairs of Sicily—Treaty of peace ratified by the Pope—Benedict XI. in the affairs of Italy—Benedict revokes the sentence of Boniface VIII. against Philip le Bel—The Pope endeavours to revive the spirit of the crusade—State of the papacy—State of the conclave at the death of Benedict XI.—Device of the French party in the conclave—Philip le Bel and the archbishop of Bordeaux—Election of Bertrand de Goth by the name of Clement V.—Disappointment of the Italian party—Character and results of the election, &c.—Political affairs favourable to the Pope and the king of France—Philip le Bel discloses the secret stipulation, &c.—Compromise and decree of *Elimination*—Philip le Bel and the Order of the Temple—Moral and social character of the order—Clement V. in the affair of the order—Philip le Bel seizes the persons and property of the Templars—Decree of Evocation frustrated—Mode of trial adopted by King and Pope—Procrastinating measures of the Pope encountered by the King—The Templars delivered into the hands of the King—Protest and execution of the victims—Defence of Jacques de Molay—Iniquitous proceeding of the court of Inquisitors—General character of the proceedings against the Templars—Protest and demand of seventy-four brethren at Paris—Their appeal to the Pope, &c.—Execution of fifty-four brethren at Paris—General sequestration of the order—Council of Vienne, and judicial suppression of the order—Papal decree on the premises—Last moments of Jacques de Molay and his companions—Attempt to execute the decree of suppression in Germany—Confiscated estate of the Templars; how dealt with—The order of St. John of Jerusalem, and the lands of the Templars—Assassination of Albert of Austria—Project of Philip le Bel defeated by the Pope—Oaths and professions of king Henry VII. of Germany—Advantages of the papacy in that kingdom; death of Clement V. and Philip le Bel; exile of the papacy—Character and administration of Clement V.—his subserviency to Philip.

On the 22d of October — therefore only eleven days after the death of Boniface — the sacred college unanimously elected Bocasino di Treviso, cardinal-bishop of Ostia, and general of the order of Dominicans, by the name of Benedict XI. Election of Benedict XI.

At the accession of the new pontiff the affairs of the church were found in a state of confusion requiring all the talent and moderation of the government to retrieve the errors of the late pontifi- Affairs of Sicily.

cate. In Italy the affairs of Naples and Sicily presented serious difficulty. After the treacherous abandonment of his Sicilian subjects by king Jayme II. of Aragon, the latter had unanimously elected his brother Frederic to fill the vacant throne.[a] Throughout a struggle of six years' duration, they had adhered to him with unflinching devotion. Undaunted by frequent defeats, Frederic had redeemed his position by a series of partial successes, by the gallant defences of his garrisons, and by his own prudent tactics in the field. Leaning upon the mountain fortresses of the interior, zealously seconded by the heterogeneous population of the island, and strengthened by the influx of Ghibelline refugees, Paterine heretics, Saracens, and other remnants of political and religious parties driven into exile by distress and persecution at home, he wore out the strength of his assailants by calculated delays. The armies of his enemies melted away beneath the pestilential influences of heat and inactivity; their treasures were exhausted; their ill-paid and ill-provided fleets and land forces became listless and ineffective, and the prospects of success seemed to recede from year to year throughout the contest. The numerous forces landed in Sicily, under Charles of Valois and prince Robert of Naples, in the year 1302, were reduced by the prudent tactics of the king and the gallant resistance of his strong places to a state of inactivity and distress; and Charles of Valois, who found himself no step nearer the promised throne of Constantinople by the continuance of the contest in Sicily, brought the campaign to a close without consulting the Pope. A suspension of hostilities was concluded, on the condition that Frederic should retain the kingdom during the term of his natural life, with a reversion to Charles and his heirs; that Charles II. should retain the title of king of Sicily; that he should surrender all districts and towns in the island occupied by his troops to king Frederic; and that the latter should evacuate the towns, forts, and places he had

[a] See chap. vii. p. 283, of this vol.

acquired in the province of Calabria; all prisoners to be set at liberty without ransom; that Frederic should marry Leonora, the third daughter of Charles II. of Naples; and that the Pope should be solicited to ratify the treaty, and give to Frederic the investiture of Sardinia or Cyprus as a provision for the children of the marriage. The treaty of surrender was to take effect as soon as the king of Sicily should be put into undisputed possession of either of the two kingdoms; upon which event Charles of Naples was to pay to him the sum of a hundred thousand ounces of gold as the portion of his daughter Leonora.[b]

Boniface VIII., however, who had conceived sanguine hopes of the absolute subjugation of Sicily from the prowess of his French mercenaries, keenly felt the disappointment. But nothing was to be gained by further persistence, and he reluctantly ratified the compact, with the additional condition that Frederic should drop the title of king of Sicily, and style himself king of Trinacria, and engage to pay an annual tribute as a simple acknowledgment of vassalage to the Holy See. These engagements, if ever contracted, were unacknowledged, and never performed; and the island of Sicily remained in every practical sense severed from the kingdom of Charles II., and freed from dependence upon the see of Rome.[c] The Pope was, in fact, at this moment too seriously involved to think much of the interests of Charles of Valois or those of his client of Naples. The final rupture between Boniface VIII. and the court of France deprived the French prince of all support for the prosecution of his plans for the conquest of Sicily, or the realisation of his wife's pretensions to the crown of Constantinople. Charles of Valois returned to France with as little credit as gain by the vast amount of blood and treasure expended in this fruitless expedition. The death

Treaty of peace ratified by the Pope.

[b] *Giannone*, S. Civ. di Nap. book xxi. c. 4.

[c] The reversion to Charles and his heirs after the death of Frederic, says *Giannone*, loc. cit., was considered by men of judgment a matter *sub lite;* and that possession must be got by force of arms, and not in virtue of the article.

of Boniface VIII. changed the whole aspect of affairs. His successor abandoned all claims upon Sicily except the naked feudal superiority, and turned his attention exclusively to the task of retrieving the errors of his predecessor, and restoring by forbearance all that had been lost by the intemperance and arrogance of the late pontiff.

Benedict XI. in the affairs of Italy.

In Italy he found the cities of Tuscany, Romagna, and Venetia agitated by new factions ingrafted upon the old distinctions of Guelphs and Ghibellines. Thus, in Florence and Pistoia the citizens had split into two parties, under the names of the Neri and Bianchi (the Blacks and the Whites); the Venetians were at variance with the Paduans, and, under favour of the feuds and civil conflicts which such a state of parties engenders, disorders of the most pernicious character set religion, law, morality, and civil interests at defiance. Persuasions, menaces, censures made no impression upon the combatants; the papal admonitions were ineffectual in assuaging the tempest of passion and party resentments which raged simultaneously in most of the principal cities of the Peninsula. In Germany similar disorders, arising out of a different cause, had been recently suppressed by the strong hand of the government. The chronic malady of the Germanic constituency may be described as a never-ending effort to shake off the burdens and obligations imposed by their feudal relation to the crown. Those burdens and obligations were in themselves of a shifting and uncertain nature; and the difficulty of enforcing the performance was immeasurably enhanced by the unlimited right, claimed and exercised alike by lay and ecclesiastical princes and feudatories, of deciding their mutual differences by the sword.[d] In this respect, however, the clergy stood upon a footing different in some particulars from that of the laity. The ecclesiastical princes made war upon their sovereigns, or upon one another, or on their secular neigh-

[d] The so-called "Faust-recht."

bours, with as little scruple as the rest; but when unsuccessful they could take shelter under their spiritual privileges, and complain of the losses, the forfeitures, the privations they had brought upon themselves as infractions of the sacred rights of the church. The primate, Gerard of Maintz, had been reduced to submission by the emperor at the expense of certain territorial sacrifices. Upon complaint to the Pope, Benedict XI. thought fit to treat these cessions as sacrilegious alienations of church-property. He admonished the emperor-elect to restore the ceded districts, and to abstain for the future from laying profane hands upon the sacred trust of which the Holy See was the divinely-appointed guardian.[e] But neither the temper of the times nor the other avocations of the pontiff permitted any further steps in vindication of the rights of his Germanic client. The unadjusted differences with the court of France claimed all his attention, and for the moment superseded interests which lay nearer the home, and more directly affected the principle, of the papal power.

Benedict revokes the censure of Boniface VIII. against Philip le Bel.

Philip le Bel of France was not slow in taking advantage of the change of government at Rome. He despatched a courteous embassy to congratulate the new pontiff on his accession. Benedict received the envoys with distinguished courtesy; he revoked all the censures fulminated against the king and kingdom by his predecessor; he professed affectionate attachment to the people of France; intimating cautiously that the exercise of rigorous justice might operate to the detriment of that spirit of charity and forbearance which seemed best fitted to attach them to the Holy See. In that spirit he had determined, he said, to pass over all mutual provocations, and to dispense with the penalties due to the violence committed on the sacred person of the late pontiff; releasing the king, the clergy, and people of France from the excommunication and interdict they had thereby incurred: this clemency, however, he declined

[e] Rescript of the 11th March 1304. *Raynald.* ibid. p. 375.

to extend to the two persons most criminally active in the perpetration of the late sacrilegious outrage. Sciarro Colonna and William de Nogaret were therefore reserved to the future judgment of the Holy See.[f] At home Benedict was anxious to substitute conciliatory methods for the harsh and arbitrary measures of his predecessor. The two deposed cardinals, Pietro and Giacomo Colonna, were restored to rank and privilege in the sacred college, and a general amnesty was granted to the party with the exception only of the two principal delinquents in the late disturbances.

The Pope endeavours to revive the spirit of the crusade.

No other event of importance distinguishes the short reign of Benedict XI., except it be a last attempt to revive the spirit of the crusade. A desire to deliver the holy sepulchre from infidel hands still lingered in the hearts of many pious Christians. Whether the reigning pontiff partook of this sentiment or not, he endeavoured to awaken the slumbering zeal of the Latins, though in a different form from that adopted by his more successful predecessors. The possession of Constantinople now—as in the past age that of Sicily—was regarded as a necessary preliminary to the reconquest of the Holy Land. The court of Rome had never ceased to resent the alleged apostasy of Michael and Andronicus Palæologus. The claims of the descendants of Philip de Courtenay, the last of the Latin emperors, had been ostentatiously asserted, and flashed in the eyes of the more powerful Latin princes as the means of exciting their ambition and promoting the views of Rome for the subjugation of the Eastern churches. Benedict XI. thought he had found the champion required in prince Charles of Valois. Though, after his disastrous campaign in Sicily, that prince had retired from the contest, the pontiff still trusted to the aspirations awakened by his marriage with Maria, the heiress-presumptive of the throne of the East, to induce him to undertake the

[f] See the rescript, dated Perugia, 12th May 1304. *Id.* ibid. p. 379. The plea upon which this abrupt reversal of the policy of his predecessor was explained was, that Boniface VIII. had incurred irregularity by neglecting the previous advice and sanction of the sacred college.

restoration of the Roman supremacy in the schismatical churches of Greece and Asia. With this view the bishop of Senlis was instructed to collect and pay over all pious legacies and other funds appropriated by the religious contributors to the liberation of the Holy Land, together with the proceeds of the ordinary ecclesiastical tenths, into the hands of Charles of Valois, towards the expenses of an expedition, which was to terminate in the reconquest of Palestine, and the undisturbed possession of the holy sepulchre.[g]

But before any final steps could be taken for the accomplishment of the plan of Benedict XI. that pontiff died suddenly at Perugia, after the short reign of only eight months and nineteen days.[h] His monastic vocation displayed itself in the favour shown to the mendicant friars, but more especially to those of his own order, several of whom were raised by him to the dignity of the purple. Though a faithful servant of Boniface VIII. he disapproved of his intemperate dealings with opponents more powerful than himself; and it struck him that by a successful prosecution of the great scheme of conquest proposed to Charles of Valois, he might divert the public attention from the defeats suffered by his predecessors; and place the Holy See once more at the head of a great military confederacy for purposes which should redound to the credit, and serve, *pro tanto*, to restore the declining influence, of Rome. His death dissolved the last faint prospect of reviving the spirit of the crusade in any shape; and the next generation was doomed to witness the fall of the papacy from a state of unexampled power and influence to that of helpless dependence on a foreign master.

Death of Benedict XI.

The revolution we are approaching may be ascribed

[g] The tenor of the papal brief addressed to the bishop of Senlis leaves little doubt on our minds as to the proximate intent of the Pope. It is sufficient to observe that that document discloses little beyond the reunion of the Greek and Latin churches. The brief of instructions is dated from Perugia, the 20th June 1304. *Raynald.* ad an. p. 386.

[h] He died on the 6th of July 1304: some reports said of poison; but for this rumour there does not appear to have been any foundation. *Mansi*, ap. *Raynald.* ad an. p. 388.

in a great measure to the almost exclusively political character and mode of action impressed on the government of the Holy See by Innocent III. and his successors; and perseveringly pursued by them throughout the whole course of the thirteenth century. The world had—so to speak—run itself out of breath in following the strides of the court of Rome towards universal dominion. The religious sympathies of the Latin world had sunk, as it were, broken-backed under the weight of the demand upon its submission and its material resources. Men began to perceive that the spiritual powers of the Holy See had been used as instruments of temporal acquisition and political influence. It had become but too apparent that the corruption, the rapacity, the naked worldliness which had tainted the court of Rome since the death of Innocent III. had descended like a torrent upon all orders of the ministry—that their religious functions had become a matter of bargain and sale, and that no occasion upon which a pecuniary profit might be made was neglected by the agents and ministers of Rome or the subject churches. From that period the papacy had plunged year by year more deeply into the mire of worldly pursuits and passions; thereby pointing out to its constituents new roads to wealth and influence, which in a measure withdrew their attention from Rome as the source of profit or distinction. Promotion was thenceforward to be sought elsewhere and by other means than were to be found at the headquarters of sacerdotal patronage. The diversion of the ecclesiastical revenues to the political objects of the pontiffs was too wide a departure from their professed destination to escape observation and censure. By divesting them of their religious character the principle of such endowments was enfeebled, and they came to be regarded by the clergy as simple sources of revenue, and by the laity as the proper subjects of taxation. Within the period under review, popes and princes had, in various forms and disguises, shared the plunder of the churches; and the profits derived from this source had become the

State of the papacy.

subject of uncertain compromise supported upon no principle of national or ecclesiastical law. Following the example of Rome, churchmen of all ranks had been drawn into the vortex of secular pursuits; and it was a natural consequence that the church should take up her domicile there where her pecuniary and political interests were centred. To the result of this vitiation of the elements of the papal power our attention must now be directed.

State of the conclave at the death of Benedict XI.

At the death of Benedict XI. the sacred college was divided into two parties, of which the French was the more numerous, though still not strong enough to command the requisite majority. The older Italian party held its ground in the conclave from the earlier days of July 1304 to the 5th of June in the following year. This long period was consumed in fruitless squabbles and intrigues, without the remotest prospect of agreement. The mastery of the political over the religious principle in the head and members of the church was about to bear its natural fruits. "This tendency," the annalist Raynaldi observes, "was injurious in the extreme to the Holy See, fatal to Italy, and a scandal to the Christian world. It was in fact the first stage of that foul schism which began with the transfer of the curia to France by Clement V., where she lingered as in a veritable *Babylonian captivity* for a period of more than seventy years. For after the death of the late pope (Benedict XI.) the cardinals split into two factions, both in an equal degree infected by motives of envy, hatred, or ambition; so that it soon became obvious that no member of the sacred college would be elected. During all this time they had engaged in abortive attempts to overreach each other; and, without the most distant view to the honour and advantage of the church, every one strove to promote his own private interests."[i]

Though in a minority, the high-church party and

[i] *Raynald.* an. 1305, exordium to the history of the year, p. 390.

kindred of Boniface VIII. in the sacred college possessed an absolute veto, without the power of returning a pope. In this dilemma the cardinal Nicolas di Prato proposed that the Italian or ultramontane party should name three French prelates, and that their opponents should then be empowered to elect a pope from that number. No proposal could be apparently more favourable to the views of the Italians. It was notorious that, like the bishop of Pamiers, many of the French prelates were exasperated by the extortionate demands of the court upon their purses and services. The nomination of the candidates of course fell upon the persons known as the bitterest opponents of the court. The name of Bertrand de Goth, archbishop of Bordeaux, headed the list. Bertrand had distinguished himself by his zeal for the interests of the church, and the audacity of his resistance to the rapacious dealings of the king. Inadvertently, the Italians granted to their opponents a period of forty days to make their selection. Both Philip and his agent, the cardinal Nicolas, knew their man. A courier was hastily despatched to the king, apprising him of the mode of election agreed upon, and engaging that if Philip should within the forty days be able to make terms with the archbishop, the Gallic party would elect him without hesitation. Not a moment was lost. Philip summoned the archbishop to a secret interview. Bertrand heard from the lips of the king the astounding intimation that it was in the power of the latter to seat him upon the papal throne; and to place this almost incredible fact beyond doubt, the king exhibited to his astonished vision the letters of cardinal Nicolas di Prato announcing the resolution of the conclave. It remained, therefore, only for the archbishop to accede to the terms upon which the king proposed to exercise the power in his hands. Overcome by the joyful anticipation of future greatness, all resentments and scruples speedily vanished from the mind of the entranced prelate. He threw himself at the feet of the

Device of the French party in the conclave.

Philip le Bel and the archbishop of Bordeaux.

king; he acknowledged his error in ever having supposed Philip to have been his enemy, and promised, without reserve, to agree to any terms the king might think fit to propose. The latter raised the prostrate prelate from the ground; he embraced him with cordiality; and without allowing a moment for hesitation or reflection, exacted from him the following terms: *first* and foremost, an unconditional pardon to all persons directly or indirectly implicated in the late conspiracy and attack on pope Boniface VIII.; *secondly*, the cession of the tenths of all the ecclesiastical revenues of the kingdom to the crown for a term of five years; *thirdly*, the obliteration from the records of the Holy See of all the acts of Boniface VIII.; *fourthly*, the immediate restoration of the cardinals Pietro and Giacomo Colonna to all their dignities and privileges;[j] *lastly*, a stipulation was appended to the simoniacal proceeding, that the archbishop should engage to fulfil a certain *secret condition* at such time or season as it should please the king to disclose it.

Election of Bertrand de Goth by the name of Clement V.

The archbishop was in no humour to quarrel with these or any conditions Philip might have thought fit to impose. He accepted the king's terms without difficulty or hesitation. He ratified the treaty by oath upon the Eucharist, and pledged his two nephews as hostages for his fidelity to his promises. As soon as the bargain was struck the intelligence was transmitted by couriers, placed at convenient stations, to the cardinal Nicolas at Perugia, exactly five days before the expiration of the forty days' truce, with instructions to his party to elect the archbishop of Bordeaux. Not a word was allowed to transpire as to what had been doing at the court of France; and to the astonishment of the conclave it was announced to them that Bertrand de Goth, reputed to be one of the stanchest opponents of the French court and

[j] The reason for this stipulation is not very apparent. The two cardinals had been restored by Benedict XI.; but it is probable that the sudden death of the latter had prevented their full rehabilitation, and therefore that they had not been admitted to the conclave.

party, had been elected pope. The election was accepted with acclamations by the Italians, under the persuasion that they had now got a pope to their mind.[k] The new pontiff assumed the name of Clement V.; and the cardinals assembled at Perugia, where the forms of election had been gone through, solemnly invited the new pontiff, according to the practice of his predecessors, to attend them in that city, there to receive consecration,[l] and take up his permanent residence at Rome.[m]

Disappointment of the Italians.

But now the veil was suddenly withdrawn; Clement replied to their request by commanding their attendance for his consecration at Lyons. Great was the dismay of the Italian party on the receipt of this unexpected summons. The truth burst upon them with an overwhelming sense of their own imprudence and the triumph of their adversaries. "You have won the game," said cardinal Matthew Orsini to Nicolas di Prato; "you have translated the curia beyond the mountains, and it will be many a year before it returns to Italy: the design of the Gascon and his friends is no secret now." There was, however, no chance of successful resistance but in a schism, for which the party was not prepared. The whole body of the sacred college, to the number of fifteen, attended the new pope at Lyons. The ceremony of consecration was performed there with all imaginable splendour. The king and his brothers performed the usual ceremony of leading the bridle of the Pope's palfrey a certain distance to and from the great church; after this the king, princes, and nobles present mounted their steeds. A ruinous wall broke down under the weight of the curious spectators; the duke of Burgundy, with several other persons of distinction and many of the commonalty, were killed on the spot; prince Charles of Valois was seriously hurt; and both

[k] *Raynald.* an. 1305, pp. 391-393.

[l] Clement V. was a Gascon by birth, and had been translated by Boniface VIII. from the inconsiderable see of Comminges to the metropolitan chair of Bordeaux.

[m] Conf. the petition of the conclave, dated 8th June 1305, ap. *Raynald.* ad an.

the king and the new pope narrowly escaped a similar fate.[n]

Character and results of the election of Clement V.

How much is ascribable to passion or ambition in the conduct of Philip le Bel throughout this memorable transaction, we do not at present inquire. But it was natural, perhaps justifiable, that he should take steps to secure himself against a recurrence of the perils in which the intemperate hostility of the court of Rome had involved him. With the exception of the secret condition in the compact with Clement V., he appears to have demanded no more than was necessary for that purpose. It was manifest that as long as the bulls "Clericis laicos," "Ausculta fili," "Unam sanctam," and "Rem non novam" remained as legislative records on the statute-book of the Holy See, a mine of combustibles would be ever at hand to endanger his throne and stir up strife between the crown and the wealthy and powerful body of the clergy. The revocation of those documents was therefore no more than his own safety demanded. The *means* by which he gained his point opens a different question. In a moral, but more especially in an ecclesiastical, point of view, the bargain struck with the archbishop as the price of his elevation bears every character of a base political intrigue. The compact itself is stamped with the indelible brand of simony. The prelate bought the tiara for a consideration, and sacrificed the lofty position to which the papacy had been lifted by his predecessors to his own sordid ambition. The results speedily became manifest. Clement hastened, as far as in him lay, to fulfil the terms of his compact. The tenths of all ecclesiastical revenue were made over to the king for the term agreed upon; the cardinals Pietro and Giacomo Colonna, the devoted partisans of Philip, were formally restored to their honours and estates; and on the 5th of December 1305 ten new cardinals were made, all of them Frenchmen, and some the acting ministers of the crown; the four obnoxious bulls were cancelled as to all the offensive

[n] *Raynald.* ibid. p. 397.

matter contained in them; and it was declared generally that no other kind or degree of subjection was due to the Holy See from the princes of the world than that which was understood to be due and owing prior to the reign of Boniface VIII.[o] The result of the retractation and explanations agreed to was an understanding that, on all occasions of public requirement or necessity, the Holy See bound itself to consent to such imposts upon the revenues of the church as the government might deem indispensable, provided the levy were conducted without violence and upon equitable principles. The kind of control, or discretion, thus conceded to the pontiff could obviously be available only as long as he retained an independent position: in the hands of Clement V. it was a dead letter.[p]

Political affairs favourable to the Pope and the king of France.

The state of Europe was not upon the whole unfavourable to the new pontificate, and, *pro tanto*, to the court of France. The project for the reconquest of Constantinople was resumed: Charles of Valois was nominated to the chief command of the expedition; the maritime republics of Italy were warmly solicited to afford the aid of their fleets to expel the heretical rulers of the East, were it only for the protection of their factories within the Byzantine dominions against the dangerous advances of the Turkish hordes. Charles II. of Naples did homage to Clement V. for his kingdom; Jayme II. of Aragon did the like for the islands of Sardinia and Corsica, and engaged to take military possession of his new dominions before the ensuing month of September. In consideration of these services he was to continue in receipt of the tenths of the ecclesiastical revenues within his kingdoms. In Germany the emperor Albert of Austria had his hands full of the task of enlarging his patrimonial dominions. After the assassination of Wenceslaus, king of Bohemia, he had overrun that kingdom and conferred

[o] It would be no easy matter to point out an epoch in which the same kind of obedience as that claimed by the bull "Unam sanctam" had not been demanded by the see of Rome. Conf. Art. 6 and 7 of the Innocentian Code, p. 5, chap. i. of this volume.

[p] Conf. *Raynald.* an. 1305, p. 403.

the crown upon his own son Rudolph, duke of Austria; and under favour of these contingencies the Pope was enabled to promote his favourite physician from the bishopric of Eichstädt to the primacy of Germany, with a special view to strengthen the papal influence in that country. Though Edward I. of England had hitherto shown little delicacy in dealing with the property of the churches and conventual bodies of his kingdom, and stood on no cordial terms with the pontifical court,[q] the decline of the papal influence in that remoter dependency of the sacerdotal empire was compensated by prospective advantages derivable from the favourable circumstances above adverted to. A prospect was opened to Clement V. of once more placing himself at the head of the armies of the cross, and retrieving some portion of that influence of which the extinction of the crusading mania had deprived the Holy See.

Philip le Bel discloses the secret conditions, &c.

Whatever hopes Philip le Bel may have held out to the undertakers, it is incredible that he had any sincere intention of embarking in so perilous and expensive an enterprise as that of the reconquest of the Byzantine empire. At all events there is abundant evidence that by this time two other objects had suggested themselves to his vindictive and rapacious imagination, which would tax his attention and wits to the utmost. He replenished his exhausted finances by a remorseless confiscation of all the property of the Jews upon which he could lay his hands. And now the subserviency of his client the Pope was to be put to a test it was not probable he would endure without flinching. He resolved to disclose the purport of the reserved article of the preliminary treaty: Clement V. was required *to pronounce his predecessor Boniface VIII. a heretic; to cause his name to be struck out of the catalogue of popes, his body to*

[q] He had sent Robert, archbishop of Canterbury, out of the kingdom for his resistance to the financial measures of the court. Robert, it seems, quitted the kingdom under a load of charges; but he succeeded in purging himself of all crimes and misdemeanours imputed to him, under the plea of zeal for the defence of the "ecclesiastical liberties" so frequently violated by the king.

be exhumed and burnt, and every memorial of his pontificate to be consigned to oblivion. If a thunderbolt had fallen into the midst of the sacred college the explosion could not have created a more profound consternation. Pope Clement awoke from his trance of gratified ambition, and sought the counsels of his trusty friend the cardinal Nicolas di Prato. The latter advised procrastination; but if that expedient should not open a door to escape from the intolerable insult to the Holy See demanded by their tyrant, then as a last though a bitter alternative, to refer the king's suit to the decision of a general council of the church. Philip, though disappointed and angry, in the end thought fit to adopt the papal proposal; and a general council was convoked to meet at Vienne in the Dauphiné, to investigate the articles of impeachment to be preferred against the memory of the late pontiff. But it dawned on the mind of Philip IV. that the trial might prove too severe; and that the great body of the Latin clergy would with difficulty be persuaded to abandon the basis of the ecclesiastical scheme upon the integrity of which their own status mainly rested. Such an overwhelming scandal as the public trial of a Roman pontiff for heresy—a crime which not only vitiated his election, but every act of his reign as prince or pontiff—was likely to meet with little favour even among the most devoted partisans of the court. The device of cardinal Nicolas was thus far successful. The adjudication was left absolutely in the hands of the Pope and the sacred college; and the latter awarded "that all excommunications, interdicts, privations, and destitutions, as well as all proceedings 'de lege' or 'de facto' against the king and kingdom of France, his ministers, advisers, prelates, barons, and subjects generally, published or recorded at any time subsequent to the year 1300; also all sentences pronounced by the late pope Benedict XI. against the king, his agents and ministers, touching the alleged violence committed against the person of Boniface VIII. and the spoliation of the pontifical treasures, should '*for*

Compromise and decree of *elimination.*

good and sufficient reasons him (pope Clement) *thereunto moving*,' as of his certain knowledge, and in the exercise of the plenary apostolical powers intrusted to him, be cancelled, struck out, and altogether obliterated, so that thenceforward no stain or blemish should attach to the king, his friends or agents, for any alleged share or participation in the said outrage upon the person of the pontiff and the robbery of his treasure." The records themselves were produced, and all matters offensive to the court of France were solemnly expunged. And in this state the records in question remain to this day in the archives of the Holy See.[r]

Philip le Bel and the order of the Temple.

During the progress of the negotiation between the king and the pope for the degradation of Boniface VIII., the Byzantine expedition was little thought or talked about. Though the success of Philip did not fully answer his expectations of posthumous revenge, he had secured the emancipation of his crown and clergy sufficiently for every legitimate purpose. But suddenly his spirit was moved within him by the disclosure of a secret nursery of crime and profligacy of which the world had never hitherto witnessed a parallel. Personal impurity was not among his vices. His religion consisted in the rigid formalism of his age and ancestry. His indignation, therefore, at offences against either that religion or that notion of personal purity was likely to be in proportion to the dishonesty, passion, and rapacity of his character and government. An opportunity offered to compound for the numberless sins of the statesman by the indulgence of that crushing intolerance and cruelty which, but for the controlling influence of common sense and discretion, would have converted him into a second Nero. He lived and throve upon useful crime—he trusted for his salvation to unprofitable forms. Even upon the presumption—as alleged by his apologists—that he had

[r] But copies of the original have been disinterred by the diligence of *M. Dupuy*, in his "Histoire des Différends entre Boniface VIII et Philip le Bel." We have been unable to procure a copy of this scarce work, but it is largely quoted by *Sismondi*, Hist. de France; by *Schmidt*, Gesch. Frankreichs; and by *Dom Vaissette*, the compiler of the Hist. de Languedoc.

no distinct view to personal profit in his persecution of the order of Templars, there was popularity to be gained, dependents to be provided for, his clergy to be indulged, and the justifiable grudge of Christendom against the order to be gratified.

Moral and social character of the order.

Adverting to the state of the order at the beginning of the fourteenth century, there is little danger in affirming that they had been the artificers of their own ruin. The Templars had been utterly regardless of the character that might have protected them in the possession of the enormous wealth acquired by real or imputed services to Christendom.[s] After the capture of Jerusalem by Saladdin, A.D. 1187, the military orders had carried on a kind of civil war against each other; and in the prosecution of their mutual jealousies had not only neglected the solemn duty for which that enormous wealth had been conferred, but had intrigued with the Saracen enemy for the ruin of their opponents.[t] The loss of the Holy Land was, however, more especially imputed to the Templars; of whom the greatest number resided lazily upon their rich preceptories, scattered over the surface of Europe, in the indolent enjoyment of the wealth heaped upon them for the defence of the "Lord's inheritance." Shut up, and in a great degree separated from the state and the world around them, they exposed themselves to all the obloquy which neglect of duty and proud self-seclusion encourages and suggests. A century of crime, justly or unjustly attributed to the order, deprived them of the public sympathy, and prepared the way for the sudden ruin which befel them.[u]

[s] *Matth. Paris* (an. 1244, p. 544) tells us that about the middle of the 13th century the Templars possessed 9000 manors, and the Hospitallers 19,000, each of which ought to have sent a man-at-arms, fully equipped, to the Holy Land; and that it was the opinion of the age that the force thus equipped would have been sufficient to overcome and disperse all the enemies of the Christians in the Holy Land.

[t] Their insane aversion from all interference with their supremacy in Palestine led them into the basest intrigues for the destruction of the emperor Frederic II., after the second capture of the Holy City. Conf. chap. ii. p. 48 of this volume.

[u] *M. Dupuy* (Hist. de la Condemnation des Templars, vol. i. p. 248) gives an elaborate enumeration of the crimes imputed to the order both in Europe and Asia.

In or about the year of the accession of Clement V. (A.D. 1305), the prior of the preceptory of Monfaucon in the province of Toulouse was tried and condemned to imprisonment for life for the crimes of heresy and gross debauchery, by the grandmaster Jacques de Molay. At the same time Naffo Dei, a Florentine, who appears to have been connected with the order, if not himself a member, had been severely chastised and imprisoned by the mayor of Paris, probably upon some charges of the like nature. These persons had for some time past managed to open secret communication with the court from their dungeons, proposing as the price of impunity for the past to reveal the mystery of vice and profligacy they declared to be taught and practised in the preceptories and establishments of the order; flashing at the same time in the eyes of a greedy court, and an equally greedy prelacy, the enormous amount of plunder to be acquired from the vast estates and treasures of the brotherhood. The revelations, however, of the two delators were of so extraordinary a kind that the Pope hesitated to attach any credit to their story. He urged, when pressed on the subject by the king, that he had already had a communication from the grandmaster notifying that the order had been informed of the foul imputations cast on them, and had offered to submit to the utmost rigour of the Holy See if they should be found guilty of the enormities imputed to them. Clement, however, assured the king that he would spare no pains to get at the truth, and requested that the depositions already collected against the order should be transmitted to him.

Clement V. in the affairs of the order.

Philip, however, had at an early period of the proceedings detected the reluctance of the curia to proceed summarily against a spiritual corporation, which had from its origin maintained intimate relations to the Holy See,[v] and he determined to push the matter forward on his

Philip le Bel seizes the persons and estates of the Templars.

[v] Gregory IX. and Innocent IV. had made great use of their services for the overthrow of the Hohenstauffen.

own account. With the utmost despatch and the profoundest secrecy sealed orders were sent to all the governors and officers of the crown in the kingdom, commanding them on one and the same day to seize every member of the order and to sequestrate their lands and effects wherever found. Mortified at the initiative thus taken against a spiritual body by lay authority, pope Clement V. sent two cardinals to the court to demand that the persons and estates of the prisoners should be transferred to the custody of the Holy See: he furthermore evoked the cause to himself, and prohibited all ordinaries and ecclesiastical judges from proceeding a step further in the prosecution without the consent of the Holy See. Philip, who well knew his game, was bent upon transferring the examination and adjudication to the implacable enemies of the order. In his reply to the pontifical evocation he reminded Clement that the popes are subject to the decrees of their predecessors, and those of a general council of the church: the pope's bull of evocation, he said, amounted to a promise of protection to self-convicted heretics, and a covert connivance at their crimes; that if the cause were abandoned to the curia there would be no end to it, and impunity might be reckoned upon as the mere result of the indefinite delays of the spiritual courts.

Decree of evocation frustrated.

But, even consistently with his own orders, there was advantage rather than danger in relinquishing to the pope a certain share in the transaction; he therefore sent seventy-two of his prisoners to Clement at Poictiers for reëxamination. The object of the king was, no doubt, to obtain the withdrawal of the bull of evocation; and in this he was successful. A strange scene was enacted before the Pope: *all the seventy-two to a man confessed to the truth of every article of charge brought against them.*[w] Confounded by this unaccountable self-condemnation—what its value or how procured he knew not—pope Clement remitted the cause back to the ordinary judges in their

[w] *Dupuy* admits that this unanimous confession of the prisoners was "*very strange.*"

provincial councils, with full powers to carry on the inquiry to sentence and execution; reserving only the trial of the grandmaster and preceptors of the order to himself. In the mean time the persons of the prisoners were to remain *in the custody of the king's officers*, under the warrant of the Holy See.

Mode of trial adopted by King and Pope.

The question, *What was to be done with the property of the order?* was of course a prominent subject of inquiry. On this matter the Pope peremptorily announced that he had appropriated it to the recovery of the Holy Land; that, with that view, he had on his part named receivers and administrators; and he requested the king to send commissioners to coöperate with the papal officers, in order that just and true accounts and inventories might be taken, so that nothing prejudicial to the rights of the crown and the lords of the soil be done or suffered. The king made no objection to the arrangement; but as the custody of the property as well as of the persons of the culprits was in his hands, it was the safest, if not the only practicable course, to adopt *pro forma* the papal appropriation. But even in an age in which the principles of criminal justice were so imperfectly understood, it would have been impossible to justify the wholesale spoliation without a formal conviction of the offenders. To maintain the robbery it became a matter of necessity to make away with the owners; and to this task the king applied himself with remorseless industry. The first step on his part was to nominate provincial commissioners of mixed lay and ecclesiastical officials dwelling near the prisons of the incarcerated Templars. To these were added select judges or inquisitors on the part of the Pope, to whom the duty of taking the examination of the prisoners was assigned; and to these tribunals the king caused copies of the act of accusation to be transmitted. This document contained charges of almost every imaginable crime: first and foremost, the denial of Christ and the Christian religion; putting the Saviour to open shame by spitting upon the crucifix; the imposition of these

and other filthy ceremonies upon all candidates for admission into the order; the practice of abominable orgies in their secret meetings or chapters; the commission of unnatural offences; general profligacy of life and conversation; pride, arrogance, rapacity, lust; lastly, the idolatrous worship of a female image gorgeously attired, which, however, no mortal eye had ever beheld.[x]

Confessions; how procured.

After the organisation of the courts for the trial of these allegations, no time was lost in setting to work at the task assigned to them. The inquisitors toiled night and day. One hundred and forty knights of the Temple at Paris were examined; and now again *it is reported that all, including the grand-master, had made full confession of the whole list of the crimes imputed.*[y] The provincial commissions met with similar success, and a uniform series of confessions was sent in, which seemed to fix the required guilt upon the order without doubt or misgiving. Yet some manifest irregularities, more especially the indiscriminate use of the torture to extract confession, appears to have created some hesitation in the mind of the Pope.[z] Such departures from the ordinary rules of criminal procedure, regarded in connection with the suspicious uniformity of the confessions and the apparent facility with which they were obtained, induced Clement to send special commissioners to make an independent examination of the king's prisoners at Chinon. But, more surprising still, the report returned to the Pope certifies that not only the knights of the order, but the grandmaster, Jacques de Molay, and the preceptors of Normandy,

[x] *Ex uno disce omnes*—it is probable that many of the charges were about as imaginary as this last.

[y] Only three are allowed to have pertinaciously deposed that they knew nothing wrong in the order; and others declared that they had conformed to their evil practices under intimidation and duress.

[z] Fraud was not unfrequently resorted to to obtain confessions. Thus, thirteen Templars were examined by the commission established at Caen in Normandy. The inquisitors promised them the mercy of the church, and the king's commissioners assured them of liberty and safety. Trusting to these promises, twelve of the thirteen admitted all that was put to them; one only refused to confess to a falsehood, and was put to the torture. "And in this way," says M. Dupuy, with *naïveté*, "they *extracted the truth* from him as deposed to by the rest." Hist. &c. vol. i. pp. 21, 22.

Poitou, and Guienne, had joined in the general confession of guilt. All that could be done for them after this was to receive their demand to be reconciled to the church, and *to promise them absolution.* To that end the commissioners recommended them to the merciful consideration of the king as penitents of the church.

Procrastinating efforts of the Pope encountered by the King.

Pope Clement V. had all along felt the incongruity of a procedure for extreme penalties against a society incorporated with the Catholic body, by courts which he must have regarded as essentially lay tribunals. He had striven in vain to draw the cause into his own hands. But now the enormity of the crimes charged, and the overwhelming weight of the evidence produced, compelled him to yield to the eagerness of the king for the ruin of the order. With this view he sent his instructions to all the states of Christendom to seize the persons and estates of the Templars within their dominions, and to proceed against them in the form adopted in France. The final adjudication of guilt or innocence was, however, reserved to a general council of the church, to be assembled at Vienne within two years of the date of the bull. This last clause was distasteful to the king: the delay, he foresaw, would give time for the passionate indignation of the public to subside; facts detrimental to the integrity of the royal commissions might come to light; compassion for the sufferings of the destined victims might take the place of the zeal for the vindication of the laws of God and man: Philip le Bel, however, at this moment felt himself strong enough to take the proceedings into his own hands. The Pope's council might assemble or not; he had decreed the destruction of the order. And in this spirit he convoked a council of his own at the city of Tours, with a view, through the instrumentality of a subservient clergy, to hasten the accomplishment of his dismal purpose. "The *crime of heresy*," he declared, "was as much his affair as that of church or pope; the preservation of the purity of the faith was equally incumbent upon laity and clergy, and his jurisdiction

was in that special case as absolute as that of the Holy See." He thought fit, however, to add that he would certainly consult the Pope, in order that no time might be lost in bringing the transaction to its proper termination.

The Templars delivered into the hands of the King.

Philip's temper was, in fact, chafed and fatigued by the length of the proceedings. These delays may have probably been due to the mixed character of the high-commission courts. The papal assessors proceeded with, as he thought, a pedantic adherence to dilatory forms and precedents; he might—perhaps not unreasonably—suspect with an intent to gain time, if not altogether to withdraw the victims from his grasp. The superior clergy of France, animated by sentiments closely akin to those of the king, had attended the council of Tours in more than their usual numbers. Thus fortified by the support of the national prelacy, Philip removed the council from Tours to Poictiers, where the Pope resided; and speedily overbore the scruples of Clement against the transfer of the cause to the ecclesiastical courts of the kingdom—in other terms, to the delivery of the order into the hands of its most implacable enemies. The local commissions were dissolved, and the king held the game of blood in his own hands. The lives and the property of the Templars lay at the mercy of their persecutors; and the reserved condition, that the king's representatives should pay over to the papal treasury the value of the movables, with all the rents, profits, and proceeds of the confiscated property to the last penny, meant anything or nothing as the king and the clergy might think fit to deal with it.

Protest and execution of the victims.

After the council of Tours, the court of France and the sycophant prelacy had easy work. Without waiting for the consent of pope or council,[a] many knights of the order were, after cruel torture *to extort confession*, burnt at the stake, *resolutely*

[a] It is to be remembered that the final adjudication of the cause had been referred by the Pope to the general council to be assembled at Vienne in the year 1311.

denying to the last all the crimes charged against them, and protesting that confession would be a lie, and fatal to their eternal salvation.[b] What, it may be reasonably asked, are we, after this, to believe of the unanimity of the confessions, as the alleged basis of the prosecution? *No fewer than fifty-six victims were found ready to seal the truth of their denial with their blood.* This single sacrifice throws a flood of light upon the whole machinery of the prosecution. The numerous company of confessors underwent, we are told, the most excruciating tortures, and through them all, and with the prospect of a terrible death before their eyes, protested to the last their personal innocence, and denounced the perjuries of their accusers. But further evidence of the true character of the depositions relied upon by the prosecutors is at hand. On the 22d of November 1309, the grandmaster of the order, Jacques de Molay, and Hugh de Peraud, the preceptor of Normandy, were brought before the diocesan tribunal of Paris. Let it be observed, that both these persons were reported and believed to have made the amplest confession of every article of charge preferred against the order; yet when brought before their judges they resolutely declared that "they knew no ill of the order," and were ready to suffer whatever doom might be decreed against them in confirmation of their testimony. The judges, who probably expected a repetition of the confession imputed to the prisoners, were perplexed, and remitted the cause to the bishop of Paris. Here they were, for the first time, heard in their defence. Jacques de Molay alleged that the order was subject to the Holy See alone; that the proceedings had hitherto been of so strange and secret a character that the accused were unable to ascertain the nature of the charges, and had found it impossible to frame any available defence; they were unlearned men, deprived of the means of defraying the necessary expenses of the suit; that they had been detained in miserable and

Defence of Jacques de Molay, &c.

[b] The number who suffered amounted to *fifty-six*.

secluded captivity without the aid of friends, counsel, or money to enable them to bring forward witnesses to the truth of their defence, and the falsehood of their accusers. The court sternly admonished him to beware of what he said, both in defence of the order and in denial of his prior confession; apprising him that in questions of heresy the proceedings were of a summary nature, and that counsel or advocate was not allowed to the accused. His own confession, made before the Pope and the cardinals as alleged, was then read over to him. The grandmaster listened *with astonishment to the document as read:* he made the sign of the cross, and replied that the cardinals[c] might know best what they were about; and that "he prayed God so to do unto them as was done in like cases to Saracens and Tartars, whose heads were struck off as traitors and their bowels ripped open."

Iniquitous proceedings of the court of inquisitors.

This spirited denial might have availed him personally; but his offence was of a deeper dye—*he had dared to defend the order;* and a respite was afforded him to make up his mind whether he would persevere in the course he had hitherto pursued. When again brought before his judges he was asked whether he had thought maturely upon his resolution to defend the order; warning him that such a resolution would *involve him in the guilt of heresy as proved* against the body to which he belonged. In reply Jacques de Molay appealed to the Pope, who had expressly reserved his cause to the decision of the Holy See; "yet had he three things to say on behalf of the brethren; first, that in no churches were the appointed services conducted with greater regularity and splendour, or were furnished with a richer assortment of relics than in those of the order; secondly, that no institution practised more munificent charities; and thirdly, that no class of men could be found who had shed their blood so prodigally for the defence of Christendom." "Nay," rejoined the court, "but if all this be

[c] Those who had been deputed by the Pope to take their examination, as mentioned at p. 371 of this chapter.

true, what can it avail *without faith?*" The wretched prisoners might well feel that their fate was sealed. The charges against the whole order were taken as proved, and loaded upon their shoulders, as the chiefs and leaders of an organised conspiracy against religion and morality. No mode of repelling this unrighteous dealing presented itself but that of a general protest, and a solemn profession of the whole Catholic faith as taught by the church.

General character of the proceedings against the Templars.

The last scene of the tragedy dissipates all doubt as to the general character of the preliminary procedures. One of the prisoners denounced, with the courage of despair, the means resorted to to obtain confessions: he had, he said, been dragged from one dungeon to another with an excess of cruelty and privation: he had been barbarously tortured, and had, under that process, been made to confess anything and everything his persecutors thought fit to put into his mouth: several of his fellow-prisoners, rather than belie the truth, had expired on the rack: yet he had, with the doom of death before his eyes, expressed his resolution to defend the brethren to the last; and in consequence of that resolution the rigours of his imprisonment had been redoubled; but without effect; he stood there upon his own defence and that of his order.

Protest and demand of seventy-four brethren at Paris.

The desperate resolution of the principal prisoners to expose if possible the iniquitous methods by which the confessions were obtained, alarmed the prosecutors. It was understood that many Templars still confined in the provincial prisons had in like manner determined to stand by their order even unto death. Philip IV. and his bishops were aware of the reluctance of the Pope and curia to consent to the unqualified suppression of the order. The conviction and punishment of individual offenders would be of small account, if, after that, the possessions of the brethren were to be restored to the sound or unconvicted members; yet, short of suppression, no good reason could be assigned for retaining and appropriating

the confiscated estates and treasures. With a view to overleap this difficulty Philip resolved to push forward the proceedings with the utmost speed. All the brethren who had stood forward in defence of the order were removed to Paris. A new bill of attainder was presented, containing additional articles of charge, against which it was now doubly impossible to be prepared. Seventy-four brethren thus collected in the prisons of the capital *unanimously protested that the articles were altogether false and abominable; that they who prepared them were themselves heretics and infidels; and that the brethren who had deposed against the order had done so either under torture, or moved by the fear of death, while others had been seduced by bribes and promises to join in the odious imposture:* they clamoured for a fair trial before a general council of the church; and for that purpose to have the liberty necessary to prepare their defence: by way of testimony to character, as well as to show the iniquitous nature of the evidence produced against them, they maintained that in no country where the order was settled, except in France, had a whisper of the like calumnies been heard: as to the original informers, they pronounced them to have been the refuse of the brotherhood—false brethren, who had been expelled from the order for their impious and scandalous lives: that these traitors had been employed to suborn other witnesses; and had by their foul industry deceived the king and his council into a belief that they were actuated by zeal for religion: by these means both king and pope had been successfully imposed upon; and the retractations of the confessions obtained by torture and fear of death prevented from reaching the ears of the judge. The plea that it was the privilege of the order to have no judge or visitor but the Holy See, and that consequently all the depositions taken against them must be taken to have been "coram non judice," therefore altogether void, was urged with startling effect: besides this, it was maintained that the depositions of individual brethren, however they might affect the deponents per-

sonally, were, under no circumstances, receivable in evidence against the body corporate of the order:[d] and in proof of the integrity of these pleas they claimed wager of battle against all accusers excepting the Pope and the king.

The appeal to the Pope appears to have occasioned some delay. But the answer returned by Cle- Their appeal ment V. indicated a desire to interfere as little to the Pope. as possible with the proceedings of the king. The mixed commissions of the king as well as the diocesan courts, he said, had the apostolical authority to try and to execute justice upon the criminals; but that the Pope had reserved to himself the single question of the guilt or innocence *of the order*—in other words, whether it should be retained in the church, remodelled, or altogether abolished. And upon this understanding the various tribunals appointed to try the accused brethren had taken their stand.[e]

The reply of the Pope to the appeal of the brethren was their sentence of death. Clement was by this time convinced that he was powerless to arrest the arm of the king and his courts, and, probably equally so, that the destruction of the order must follow upon the butchery of its leading members. The king had meanwhile transferred the task of delivering judgment against the convicts to the provincial council of Sens. Those who adhered to their confessions were turned loose upon the world

Execution of fifty-four brethren at Paris.

[d] Of the various modes adopted to obtain evidence, the Templars allege that frauds of the most odious character had been practised; that besides the rack, letters under the royal seal had been exhibited to the prisoners, giving assurances of life, liberty, and a competent provision, if they would assist in the overthrow of the order; and that by these means the least scrupulous of the members had been seduced into compliance with the demands of the prosecutors.

[e] Between the years 1309 and 1311, we are told, no fewer than 231 witnesses had been examined. These persons consisted of the self-convicted members of the order, and others. The former, for the most part, adhered to their confessions; a minority, however, was found who protested against the evidence obtained by torture, and retracted their depositions. One of this class, Aymer de Villars, declared that what he had thus deposed was utterly false; that it had been extorted by the torments he had undergone, and the dismal spectacle of no fewer than fifty-four brethren carried away in carts to the stake, merely for refusing to admit the crimes imputed to them. "At that moment," said he, "I would have confessed anything and everything to escape so terrible a fate."

with slight punishments; others who had shown reluctance to serve the turn of the court received severer sentences; lastly, *no fewer than fifty-four brethren*, who had refused to confess, or afterwards retracted, were condemned to the flames, as obdurate or relapsed heretics. The convicts were brought back to Paris, and without delay conveyed to an open space before the gate of St. Antoine, and there burnt to death, protesting their innocence, and denouncing the falsehood of the abominations charged against them with their latest breath. "The people looked on," says the chronicle of Nangis, "with horror and consternation, many admiring the constancy and courage of the victims, others reprobating their obstinacy."[f]

General sequestration of the order.

It is a remarkable feature in this revolting transaction, and one which perhaps weighs heavier upon the memory of the victims than any facts brought to light in the mock trial they underwent, that during the long years of adversity the order could not command a resolute defender among all the governments of Europe, even where their possessions were the richest and the most numerous. Their lot was in fact the reverse. An understanding seems, at an early period of the proceedings, to have been established with Ferdinand IV. of Castile, Jayme II. of Aragon, Edward II. of England, and Charles II. of Naples, the object of which was the dissolution of the order, and the sequestration of their property. In the Spanish peninsula the proceeding followed closely upon that of France. The bishops of Aragon received peremptory orders to seize and examine the new heretical sect which had bred in the secret haunts of the Templar order. The brethren, however, had intimation of the design, and stood upon their defence. They manned their castles, unsheathed their swords, and defied their enemies. While standing front to front against the king's forces, they memorialised the Pope, indignantly denying the offences imputed to them. They urged

[f] Chron. of *Nangis*, as quoted by *Dupuy*, vol. i. p. 51.

their spiritual privileges, and maintained that though it were true that among them there might be some worthless members, the sins of the few ought not to laid to the charge of the community. They further pressed upon the Pope—and surely not without good grounds—that their wealth was the real motive of the persecution; and that until the sentence of their natural judge was intimated to them they would continue, in reliance upon their good swords, to hold out against their enemies. In Castile the operation was not equally successful; for although king Ferdinand IV. had managed to get possession of the persons and the property of the order within his dominions, the clergy assembled at Salamanca renounced jurisdiction, and remitted the cause to the Pope as their legal judge and visitor. But their fate in England was more quickly decided. On the 7th day of January 1308, all the Templars in England, Wales, and Ireland were imprisoned and their estates confiscated.[g] After a protracted examination it was found that here, as in France, the majority confessed—it is said freely—to all the charges exhibited against them; but that subsequently numbers retracted their confessions. In the Provençal territories of king Charles II. of Naples the persecution raged with unexampled fury. All the Templars were arrested in one day by sealed orders from the king; their property was seized, the movables appropriated to the king's use, and their estates transferred to the Knights Hospitallers of St. John of Jerusalem. The prisoners themselves were summarily convicted, sentenced, and committed to the flames. In Germany and Italy the fate of the order was protracted to a later period.

In this state of affairs the time arrived for the meeting of the great council at Vienne (A.D. 1311), in which the question of the suppression of the order was to be discussed and determined. Archbishops and bishops to the number of 300 met accordingly; the session was opened by the

Council of Vienne; judicial suppression of the order.

[g] *Pauli*, Gesch. v. Engl. iv. pp. 230, 231.

Pope in person on the 18th of October 1311. In the matter of the abolition of the order of the Temple, the opinions of the council were divided; the ecclesiastical lawyers were not more unanimous, and the pontiff himself—to whom, from numerous indications, it was clear the whole proceeding was disagreeable—was perplexed. This state of doubt and hesitation continued from the month of October 1311 to the holy week of the following year (1312); that is, a period of seven months was allowed to elapse between the first and the second session. But by that time all difficulties had vanished; and on the 3d of April 1312, the bull for the suppression of the order was published by the Pope in council, in the presence of the king and the whole court of France. The delay it appears had been occasioned by a technical doubt as to the legal mode of accomplishing the suppression rather than from any scruple as to the measure itself. The Pope admitted that consistently with the canons the order could not be condemned in the actual form the trials had taken: it would have been fatal to the whole proceeding if a body-corporate in the church were convicted and condemned upon the individual confessions of any number of its members: to clothe the process with perfect legality it would have been necessary to serve every member with a citation—to bring the whole body and all its members before the court: these difficulties, however, amounted almost to an impossibility: moreover, if this preliminary obstacle were surmounted, and the whole and every member were before the court, they must have been confronted with their accusers, and might insist upon being heard by their counsel and advocates; a course subject to danger and difficulty in the execution of that severity of justice which a case involving the charge of heresy imperatively demanded: for these causes the pontiff had resolved to pursue a more convenient course. The bull, therefore, after reciting that many members of the order had been clearly convicted of enormous crimes and misdemeanours, directs that the order be suppressed; but this, not by way

Papal decree in the premises.

of sentence upon the institution itself, but by way of remedy against the intolerable disrepute brought upon the body by the crimes of many of its members, and the scandal thereby created to the cause of religion and morality: inasmuch, therefore, as the order could not be judicially tried, condemned, and abolished, the Pope resolved to resort to the *plenitude of the apostolical power;* and by that authority he decreed that the order be altogether suppressed,[h] reserving all their estate, real and personal, to the final disposal of the Holy See.

Last moments of Jacques de Molay and his companions.

After the sentence of abolition there remained still four prisoners of note in the hands of the king. These were the grandmaster, Jacques de Molay; the visitor of France, Guy, the brother of the Dauphin; and the two preceptors of Normandy and Aquitain. These persons had been reserved to the Pope's court for trial. Accordingly, a new commission, consisting of three cardinals, the pitiless archbishop of Sens, with certain other prelates and doctors of canon-law, was deputed to take their depositions, and do justice in the premises. On the first hearing, we are told, the four prisoners repeated their previous confessions. It was resolved that they should with their own lips publicly admit their guilt, and once more avow their participation in the crimes of the order. To that end a lofty scaffold was erected in front of the church of Notre Dame; the confessions were read and the culprits ordered to assent to their truth. But at this point the prosecution suddenly broke down. Instead of the avowal demanded, Jacques de Molay and the master of Normandy sprang to their feet and loudly retracted every syllable of their confessions; they declared that the falsehoods confessed had been extorted from them by the promises and blandishments of the king and the Pope: they claimed a fair trial, and the right to defend themselves by their counsel and witnesses: if this were denied them, they

[h] "Quanquam de jure non possumus (*i. e.* condemn the order), tamen ad *plenitudinem potestatis*, dictum ordinem reprobamus," *Raynald.* an. 1312, p. 546.

finally and formally appealed from the present to a future pope in a general council of the church assembled. Great was the consternation of the cardinals and the court at this sudden retractation. It was probably a matter of difficulty to determine how the appeal to a general council was to be evaded. The Pope must now be consulted as to the mode of dealing with the prisoners; they were therefore remanded to prison to await their final sentence. When the news of this sudden turn of the affair reached the ear of Philip, he was struck with a suspicion that some device was in contemplation to snatch his victims from his fangs. At noon a privy council was called in the palace, and it was there resolved that the two retracting prisoners should be burned at the stake before nightfall. The place selected for the immolation was a free space in the Isle du Palais; thither the grandmaster and his companion in death were hurried by the king's guards and committed to the flames, loudly protesting their innocence, and enduring their tortures with unflinching constancy; avowing indeed that they deserved to suffer for betrayal of their order and of the truth, at the suggestion of fear and the hope of saving their lives. "The simple people," says their fanatical adversary, Dupuy, "deceived by their feigned fortitude but real obduracy, believed that these victims of justice died innocent, and regarded them as saints; so that, after their death, persons were seen searching for their ashes amid the embers of the pyre."

Attempt to execute the bull of suppression in Germany.

The knights of the order in Germany were not so easily drawn into the snare as in France and Spain. The archbishop of Maintz assembled a council of his province for the more general publication of the bull of suppression. At the meeting twenty knights of the Temple presented themselves in their ordinary dress and accoutrements; and after the reading of the bull, demanded that their protest and appeal from pope Clement to a general council under a future pope be solemnly recorded; assigning as ground of appeal that the depositions upon which their

sentence was based were a tissue of falsehoods from beginning to end. The protest and appeal of the order were accordingly placed on record, and full information of the transaction transmitted to the Pope with an apologetical letter from the archbishop: Clement, who was by this time thoroughly weary of the whole affair, took no notice in his reply of the protest and appeal; but recommended the prelates to inquire into the character of the defence proposed, and to do as justice required. The advice was promptly acted upon; the Templars presented themselves for trial as free men; they were heard in their defence and fully acquitted of all that had been alleged against them, both in their individual capacity and as a body corporate of the church.

Confiscated estates of the Templars: how dealt with.

Under any other circumstances great difficulties must have arisen on the question of the disposal of the sequestrated estates of the order in France and the circumjacent kingdoms. At an earlier age the Pope might have insisted on his absolute right to the property in question as an escheat to the Holy See. Consistently with the policy of his predecessors, he might have identified the temporalities of the order with the spirituality, both moving from the chair of Peter,[1] and consequently inseparable from it. But against any such claim Philip le Bel was on his guard. No sooner did the question of the appropriation of the confiscated estates of the Templars arise than a caveat was put in by the king asserting his concurrent powers, and the necessity of his consent to the contemplated distribution, on the express ground that, as of all such estates as lay within his dominions, he was the temporal patron and protector; and consequently that all the rights, claims, and duties annexed to them were vested in the crown for its own protection and

[1] As the union of body and soul constitute the man, such also is the union of the temporalities and spirituality in the constitution of the church. Both form a single being; and as the mind or spiritual power in the human being is the governing power, drawing after it all his outward faculties, so in the church all external powers and functions are at the absolute command and disposal of the mind or spiritual power, as that which assigns to them their proper duties and functions.

that of the lay as well as the spiritual subjects of the realm. Under these reserves Philip assented to the assignment of the possessions of the order to the knights of St. John of Jerusalem, to maintain their warfare against the enemies of the faith in all parts of the world. The king of Aragon obtained the consent of the Pope to the annexation of the confiscated estates within the kingdom to his order of knights of Calatrava, instituted for the defence of his dominions against the Moors of the south. King Ferdinand IV. of Castile took no notice of any appropriation at all; and the sequestered property melted quietly into the royal domain. King Dionysius of Portugal, with the assent of the Pope, set up a new order of spiritual militia under the name of the Order of Christ, to carry on perpetual war with the Moorish principalities adjacent to his kingdom. In England the feeble and ever-indigent Edward II. had promptly seized the opportunity of filling his exhausted treasury afforded him by the suppression of the order. He disputed the possession of the confiscated estates with the knights of St. John for the space of a twelvemonth; and although he was at length compelled to consent to the transfer, he did so under protest that the fee of all such estate was vested either in himself, or in others under whom they had been held by the Templars. In England, as in France, the crown carefully reserved its feudal rights: the transaction in both countries assuming the character of a purchase or conveyance of the land from one possessor to another, without detriment to the rights of the superior lord.[j]

The order of St. John of Jerusalem and the estates of the Templars.

Contemporary writers observe that, after all, the order of St. John took little benefit from the transfer; for that, before entering into possession, they were compelled to pay such heavy fines and dues to the king and his barons that it was matter of doubt whether they were not rather impoverished than enriched by the appropriation.[k] The reservation of various rights afforded room for eva-

[j] Conf. *Pauli*, Gesch. v. Engl. vol. iv. p. 236.

[k] *Villani*, ap. *Murat.* Ss. Rr. Ital. tom. xiii. pp. 431 and 455. In the ori-

sion or profitable compromise not likely to be neglected by the greedy sequestrators. There is, in fact, reason to doubt whether any of the establishments of the Templars passed into the hands of the order of St. John during the lifetime of Philip le Bel.[1] After his death, his successor, Louis X. (Le Hutin), sold the property to the order on payment of the sum of 260,000 livres, put in the form of a charge upon the estates for reimbursement of the vast legal and other expenses attending the sequestration and interim management, the maintenance of the prisoners, and the prosecution of the order to its suppression. As to the personal or movable property of the Templars, there is reason to believe that a very small or no portion passed into the hands of the succeeding body. The knights of St. John, in fact, found themselves in possession of a naked property, without the means of making it productive except at a much larger outlay than the amount paid to the king for a bare occupation.[m]

ginal bull of appropriation the stipulated reservation had been omitted—probably purposely—but the matter was soon set right; the clause was inserted in the amended bull, and the omission excused on the ground of the negligence of the secretary employed to transcribe it.

[1] Philip, however, survived the suppression of the orders scarcely two years, and only about seven months the judicial murder of Jacques de Molay.

[m] Our narrative of the suppression of the order of the Temple follows that of *M. Dupuy* (Hist. de la Condamnation des Templiers, vol. i., Brussels, 1713) and the annals of *Raynaldi* from the year 1306 to 1314. Our conclusions upon the same series of facts, it is true, differ from both writers. The French lawyer takes up the defence of Philip le Bel on the ground of the justice of the conviction. The use of the torture to procure confessions was familiar to the age in which the author lived, and the evidence thus procured was deemed conclusive against the prisoners when once a *prima facie* case, supported by voluntary testimony, was established. But as to such a *prima facie* case, few witnesses (and they of damaged character) could be produced. The rest of the evidence consisted wholly of confessions obtained from the prisoners by the inducements of false promises, the fear of death, the hope of liberty, and the pressure of the rack. The retractations of the confessions extorted by such methods, and the number of the victims who braved the stake in support of their innocence, throw so strong a doubt upon the justice of the proceedings as to entitle the accused to an acquittal upon the graver articles of charge. As to the motive of the prosecution, it is equally impossible to acquit the king and bishops of France of a predetermined design to destroy the order, and to lay hands upon their property. This intention is obvious at every stage of their proceedings; and the simply colourable assignment to the Hospitallers reflects a light upon the original motive which neutralises the defence set up by M. Dupuy on behalf of the disinterestedness of the prosecution. The judges themselves, by one mode or other, managed to appropriate the largest share of the plunder of the

Assassination of Albert of Austria.

The assassination of the emperor Albert of Germany by his wronged and insulted nephew, Duke John of Austria, afforded Philip le Bel a not unpromising prospect of adding the imperial crown to the honours of his house. With that view he set up a colourable pretence of hereditary succession to the kindred and rights of the Carolingian family; and in that character proposed his brother, Charles of Valois, to the electors of Germany. Two of the great spiritual electors had been gained; but the constituency was, as usual, divided by adverse interests and ambitions; and seven months were consumed in pernicious canvassings and intrigues which called all the vices of an elective monarchy into activity. Under the pressure of court influence, pope Clement V. had ostensibly approved the nomination of Charles of Valois; and the supremacy successfully asserted by the papacy in the disposal of the imperial diadem might now be utilised for the aggrandisement of the French monarch.[n]

Project of Philip le Bel thwarted by the Pope.

But few things could inspire the Curia with more serious apprehensions than so exorbitant an accession of power in the hands of an imperious patron. Opportunities promptly seized and acted upon often assist the weak against the strong. The Pope, under the advice of his more experienced counsellors, secretly apprised the princes of the empire of the danger to which the practical union of the two crowns must expose their independence. The electoral college took the alarm, and by a sudden movement, either of fear or jealousy, recorded an almost unanimous vote in favour of Count Henry of Luxemburg and Limburg.

The election and subsequent coronation of Henry

culprits. Besides the original documents as set out by the above writers, we have consulted the *Art de vérifier les dates;* the History of France by *M. Sismondi; M. Pauli* (Hist. of England, vol. iv.); *Schmidt* Gesch. von Frankreich; *Leo* Gesch. von Italien, and other modern works, among which there is little difference of opinion respecting the character of the transaction.

[n] We call to mind that since the downfall of the Swabian dynasty the court of Rome had successfully vindicated the right not only to a preventive veto upon an untoward election, but to a preliminary approval of the candidate for nomination.

VII. afforded a practical solution of the difficulties of pope Clement. The accomplished fact came to his aid. Philip of France accepted the explanation of the Pope in sullen silence; and the new king of the Romans received the pontifical confirmation with the additional promise of the imperial crown at the proper opportunity. As soon as the election and coronation were accomplished, the new king forwarded a solemn embassy to Avignon to assure the Pope of his unswerving devotion and filial obedience. The envoys were instructed to omit no observance or concession that might secure the favour of the pontiff. They were directed, in the name of the king, to swear the *oath of allegiance to the Holy See, as well as any other oath that might be required:* generally; to do and perform all such things as by divine or human laws might be deemed requisite to qualify the king for the imperial diadem.[o]

Oaths and professions of Henry VII.

In the state of comparative weakness to which the papacy was reduced by its exile from its proper domicile and the disruption of its traditional connections, its potential participation in the late election actually resulted in a twofold advantage. On the one hand a new and pregnant precedent in favour of the extreme pretensions of the Holy See in the nomination and election of the king of the Romans[p] was established; while on the other the devout attachment of the emperor-elect and his subjects might supply a balance to the overbearing influence of the French court when the interests of the temporal should come into conflict with those of the sacerdotal monarchy. The Germanic constituency were becoming familiar with the oaths and professions which seemed necessary to secure the favour, or to buy off the opposition, of the spiritual chief. They regarded

Advantages to the papacy in Germany.

[o] See the document in extenso ap. *Raynald.* an. 1309, § 10, p. 468; and conf. *Idem*, an. 1308, p. 448. The contemporary annalist *Villani* (ap. *Murat.* Ss. Rr. Ital. tom. xiii.) gives a minute detail of the secret means resorted to by the court of Avignon to cross the purpose of Philip le Bel. He imputes the candidature of Henry of Luxemburg to the suggestion of Pope Clement V. himself.

[p] Conf. chap. vi. pp. 229, 230, and p. 353 of this chap.

with surprising indifference or misapprehension the logical inferences which the court of Rome was so ready to arrive at in support of its pretensions to the nomination and election of the king of the Romans. Similar oaths and professions had passed the seal of the great Rudolph of Hapsburg; they had been repeated with alacrity by Adolphus of Nassau and Albert of Austria. It must, however, be left to the sequel of our narrative to disclose the several lights in which these documents were regarded by the court of Avignon and the Germanic body.

Death of Clement V. and Philip le Bel: exile of the papacy.

The discreditable and disastrous pontificate of Clement V. was drawing to a close. He died at Carpentras, not far from Avignon, on the 20th of April 1314. Within eight months he was followed to the grave by his patron Philip le Bel.[q] The two principal actors on the political stage had passed away, leaving behind them the rudiments of changes to which no human foresight could assign a limit or a term. The expatriation of the papacy was a bitter trial to the ultramontane party in the church. That event may in fact be regarded as the first step towards the emancipation of the princes and peoples of Christendom from the sacerdotal yoke under which they had writhed for many an age. The power of Rome had, in consequence of her unconscientious pursuit of wealth and territorial aggrandisement, become so thoroughly secularised as to throw her spiritual pretensions into the shade, and to deprive her of that devout attachment which her religious character had hitherto commanded. A disposition to distinguish her temporal from her spiritual interests had invaded the minds indifferently of churchmen and laity. Under the pressure of demands irreconcilable with the rights, the passions, and the welfare of people and governments, the latter had learnt the trick of evading and thwarting, without denying the ultra-sacerdotal pretensions of the pontifical court. Professions and submissions, which meant one thing

[q] On the 29th of November 1314, in consequence of a fall from his horse.

in the papal exposition, meant something different in lay interpretation. The logic of Rome was in some material points at variance with the common sense of mankind; and however conclusive her reasonings upon facts and premises, the world was not disposed to contest them; the instinct of self-preservation alone dictated the necessity of a defensive position which could have no other result than a material abridgment of the political power of the Holy See.

Character and administration of Clement V.

Had Pope Clement V. possessed all the administrative ability and integrity of purpose necessary to mitigate the evils under which the whole body of the church was languishing, his efforts would have been unavailing under the vicious impulses imported from the court of Philip le Bel. Intellectually, however, Clement was distinguished rather by cunning than ability. Every act and object of his life centred in self—in the lust of power and the accumulation of riches. Yet in the headlong pursuit of these advantages he had outwitted himself, and was doomed to wear a yoke which left him no alternative but to surrender himself the passive instrument of secular ambition. His treacherous desertion of his party, the scandalous compact by which he secured his election, his almost servile acquiescence in the wiles and resentments of his patron, involved him in a series of abject compliances, revolting to his ecclesiastical feelings and interests, and in no small measure prejudicial to the cause of his church. The transfer of the court from Rome to Avignon inflicted a blow upon the papacy from which it never wholly recovered. The seeds of a schism were sown which in the end cast a well-founded doubt upon the lawful succession to the papal throne, and terminated in those convulsive movements which theoretically abridged and practically annulled some of the most cherished prerogatives of the pontifical scheme. It may not be too much to say that these movements[r] drew after them the great religious secession of the sixteenth century.

[r] Alluding to the councils of Pisa, Constance, and Basle.

His subserviency to Philip.

The moral conduct and administration of Clement V. harmonised with his public policy. His contemporaries bear almost unanimous testimony to the irregularity of his private life. Independently of his personal demerits he incurred indelible disgrace by his unconscientious traffic with sacred things, and the scandalous license with which he sold his patronage. Philip le Bel permitted him to dispose of the prelacies of France at his pleasure, and in return was enabled to count upon the authority of the pontiff to command the services of all those of whom he stood in need.[s] Shrinking slavishly from open resistance, he succeeded by cunning, procrastination, or subterfuge, in obtaining fortuitous advantages over his rigorous patron. Thus in a great measure he caused the plunder of the Templars to elude the grasp of the king; he saved the memory of Boniface VIII. from that last indignity to which the vindictive spirit of Philip IV. had condemned it; he defeated the design of the king upon the imperial diadem while ostensibly playing into his hands. In all other respects his conscientious scruples—if they deserve the epithet—as to his complicity in the cruel and arbitrary policy of the king were ruthlessly sacrificed to his own personal interests and vices. From the Italian party Clement V. has amply earned all the obloquy cast upon him: before the impartial historian he stands as a signal monument of the irreparable mischief which the errors of an individual chief may inflict upon the most compact, the most completely-organised schemes, political or religious.

[s] *Villani*, Hist. lib. ix. c. 58, ap. *Murat.* Ss. Rr. Ital. tom. xiii. p. 421.

CHAPTER IX.

THE POPES OF AVIGNON. FRANCE AND GERMANY. EMANCIPATION OF THE EMPIRE.

Plan of the ensuing narrative—Political position of the papacy at the commencement of the fourteenth century—Decline of papal influence—Interregnum—John XXII. Pope—Advantages and innovations of John XXII.—Interference of John XXII. in the affairs of Italy—Political state of Italy—Double election in Germany ; John XXII. assumes the vicariate of the empire during vacancy—He delegates the vicariate to King Robert of Naples—Papal doctrine of the relevancy of the empire—John XXII. curses the Ghibelline leaders, &c.—The Pope prosecutes the Visconti and others for treason and heresy—Defeat and capture of Frederic of Austria—Papal declaration against Louis IV. ; its effect—John XXII. threatens the emperor—Reply of Louis to the menaces of the Pope—John XXII. provokes the king of France to aspire to the imperial crown—He repeats and makes absolute the bull of condemnation, &c.—Reply of the States of Germany ; declaration of right—Awakening of the Germanic constituency—Nature and amount of the papal claims, &c.—The court of France encourages the papal encroachments, &c.—Circumstances favouring encroachments upon the rights of the empire—Political miscalculation, &c.—Expedition and coronation of Louis IV. ; his errors and failure—Depressed condition of the emperor—Louis IV. proposes to abdicate—The Franco-papal conspiracy against the empire ; its effects—Controversy and its results—The Diet of Frankfort repudiates the papal claims—Decrees for the execution of the national protest—Treachery of the French court—Selfish policy of Louis IV.—Pope Clement VI. and the king of Bohemia in the affairs of Germany—Death and reputation of the emperor Louis IV.—His services—Charles IV. (of Luxemburg) emperor—The Diet of Metz—The *Golden Bull;* emancipation of the empire.

Plan of the ensuing narrative.

We have hitherto endeavoured to point out with some degree of minuteness the elements, and to lay bare the foundations of the papal scheme. The prosecution of this plan has brought us down to a period at which the political history of the papacy more conspicuously flows into that of the European community at large than heretofore; and would, if pursued in similar detail, have the effect of swelling the bulk of this work beyond reasonable bounds. In this and the following chapter it is therefore proposed to

present to the reader a simple sketch of the general action of the papal scheme upon the various political bodies pertaining to the Latin communion during the remainder of the fourteenth, and the whole course of the fifteenth centuries, down to the dawn of the Reformation in the sixteenth century.

Political position of the papacy at the commencement of the fourteenth century.

The political position of the Holy See was materially changed by the translation of the papal court from Rome to Avignon; its freedom of action was compromised; the religious leverage by which Rome had hitherto moved and subdued the powers of the world had been gradually enfeebled by that inert, impalpable resistance which pretensions so exorbitant could not fail in the long-run to call forth. The geographical position of Avignon, however, had its advantages; the principality lay, indeed, within the empire of which the Rhone and the Alps were the reputed boundaries; but that region was ruled by independent princes: Charles II. of Naples possessed the Provence; the Dauphiné and Savoy were governed by princes whose interests connected them preferentially with France and the papal court; the pontiffs themselves enjoyed the undisputed sovereignty of the included principalities of Avignon and Venaissin, and based their spiritual powers upon a territorial dominion in all respects more sure and loyal than that of the Italian patrimony itself. Thus they were enabled to parade the rigid theory of supremacy in the eyes of the Christian world with the same unblushing confidence as heretofore.

Decline of papal influence.

But there were circumstances in the position of the papal power antecedent to the removal of the seat of government tending to enfeeble its practical influence, though they may not have reduced its pretensions. Thus, Edward I. of England had repelled the degrading tribute imposed on the kingdom by Innocent III.; Louis the Saint of France had marked out a limit to the exactions and intermeddlings of the court of Rome;[a] Sicily had thrown off the yoke; and

[a] Conf. chap. iv. p. 145 of this vol.

the states and republics of Italy had on all occasions which they deemed inconsistent with their momentary interests declined to satisfy the frequent demands of the popes on their services, their revenues, and their blood. The almost convulsive efforts of the Holy See to reanimate the departed spirit of the crusade were everywhere encountered by false promises, intentional delays, excuses, and evasions. The chance of regaining her ancient ascendency in the East had been forfeited by her despotic demands upon the faith and obedience of the Greek Christians; lastly, the sensible multiplication of heresies in the course of the thirteenth century, though for the moment smothered in blood, had been a source of harassing solicitude to the court of Rome. Albigensian, Waldensian, Paterine, and a variety of dissenting sects lingered or started up afresh in every part of Christendom; the dogmatic bases of the Petrine power were assailed; and it became evident that as long as the embers of secession still glowed beneath the ashes of its earlier martyrs, the church of Rome must feel herself on the brink of a revolution, threatening the overthrow of the religious and political ascendency she had hitherto enjoyed.

Clement V. died at Carpentras, near Avignon; and there the election of a successor ought, in conformity with the ordinance of Gregory X.,[b] to have been taken in hand. An irremediable schism in the sacred college protracted the election from months to years. An accidental fire in the palace of the conclave afforded a pretext for a first adjournment.[c] Philip le Bel, in the last year of his life, removed the election to the city of Lyons; but his death, which occurred in the month of November 1314, was made a pretext for further delay. His son and successor, Louis X., surnamed Le Hutin, who occupied the throne but a few days over the six months from his accession,[d] took no

Interregnum.

[b] Conf. chap. vi. p. 225 of this vol.

[c] The accident occurred on the 24th July 1314.

[d] He died on the 5th of June 1315.

effectual step to hasten the election; but his brother and successor, Philip V., once more assembled the cardinals; this time in strict conclave, attended with all the personal hardships and privations which Gregory X. had devised to stimulate the spiritual energies of his colleagues.[e] In this predicament it appears that the religious scruples of the ultramontane minority yielded to the weakness of the flesh, and, after an interval of forty days of imprisonment and mortification, consented to the elevation of Jacques d'Euse, bishop of Portus, to the papal throne, by the name of John XXII.[f]

John XXII. pope.

Thus terminated a discreditable interregnum of two years, three months, and eighteen days. The Gallican faction[g] had carried the day; a French pope was raised to the throne, and the residence of the papal court was definitively fixed at Avignon. The defeated minority of Italian cardinals might derive some comfort from the conviction that the character and dispositions of the new pontiff were not likely to lead to the abandonment, either in principle or practice, of the extreme theory of pontifical supremacy. John XXII. believed in his mission with the stern persistency of the most determined of his predecessors. But he was himself a Frenchman; and France was now the fulcrum of his political action. The first measure of his reign indicated his intention to adhere stoutly to that basis. He created eight new cardinals, all of them natives and subjects of France. Without forgetting his own kindred, he gratified the court by the advancement of the chancellor of the kingdom, Peter de Riblay, to the purple; and afforded every assurance in his power, both to the court of France and the sacred college, of his de-

[e] The king had succeeded in assembling the sacred college by a solemn promise not to restrict their personal liberty or interfere with their deliberations. But no sooner were they in his power than he consigned them to the rigorous confinement prescribed by the council of Lyons of 1274. *Raynaldi* says of this breach of faith on the part of the king: "Fidem *religiose* fregit." Annal. Eccl. 1316, p. 34.

[f] *Villani* affirms that the election was intrusted to him by way of *compromise*, and that he forthwith proclaimed himself pope. But the anecdote is disproved by the *Art de vér. l. d.*, by Cardinal *Mansi*, and after them by *Bower*, Hist. of the Popes.

[g] Or, as *Villani* abusively calls them, the Gascon faction.

termination to maintain the establishment of the papacy as he found it.[h]

John XXII. commenced his pontificate at a fortunate juncture. The feeble Edward II. of England, after his defeat at Bannockburn, sued for the favour of the Pope against his Scottish enemies by an unconditional undertaking to pay up the arrears of the shameful tribute of 1000 marks imposed by Innocent III. King Jayme II. of Aragon was a suppliant for the kingdom of Sardinia and Corsica, promised him by Boniface VIII.; and the irregularities of the king of France afforded an opportunity of meddling with the private morals of the sovereign without incurring the danger incident to political intervention.[i] He had occasion moreover to render spiritual service to Philip V. by thundering his censures against the turbulent vassals who hoped to turn the incapacity of the sovereign to advantage; and by renewing or restoring the religious privileges granted to the kings of France by his predecessors.[j] In the distracted state of public affairs, enhanced as it was by the pecuniary embarrassments of the king, the Pope felt himself at liberty to introduce unexampled changes in the constitution of the Gallican church. He divided the great diocese of Toulouse into six districts; other ecclesiastical provinces of inconvenient dimensions were similarly divided, especially in the southern and midland regions. Thus a considerable number of new prelacies fell under the patronage of the Holy See. In return for this license, he permitted the king's courts to arrest and detain in custody clerks accused of felony, murder, and other crimes of an aggravated character; he rebuked the superior clergy for engaging in secular feuds and

Advantages and innovations of John XXII.

[h] *Raynaldi* (Annal. ubi sup. p. 43).

[i] He rebuked the king for indecorum at mass—inattention to his prayers—general levity of demeanour—not wearing the royal robes—permitting the desecration of the Sunday in his dominions—inattention to his royal duties by neglecting to read and preserve public documents, &c. *Raynald.* ubi sup. p. 48. *Art de vér. l. d.* art. John XXII.

[j] The privileges granted to St. Louis and his successors were chiefly the following: 1. that unless under personal excommunication, they might have divine services in places subject to interdict; 2. that no excommunication, interdict, or anathema should affect them, unless such censures proceeded directly from the Holy See, and unless he (the sovereign) were expressly named in the bull or precept.

raids; he prohibited the clergy generally from carrying on trades or other secular occupations; he excommunicated false coiners, adulterators, or defacers of the national coinage, together with all importers of base or counterfeit money. By these and other measures of the same character he was enabled to render acceptable services to the civil power. The torpor of the government favoured his interferences with the universities of the kingdom, which, at this period, swarmed with philosophical innovators, whose departures from the beaten track of theological instruction were a source of uneasiness to the jealous watchfulness of the pontiff[k] and court of Avignon.

Interference of John XXII. in the affairs of Italy.

While in enjoyment of a great degree of liberty at home, the affairs of the Holy See in other quarters, more especially in Italy, were of a less promising character. It may be repeated here, that in the year 1311, king Henry VII. of Germany, by favour of Clement V., obtained the imperial crown after an abeyance of sixty-two years, dating from the death of the emperor Frederic II.[1] The irreconcilable hostility of the kings Robert of Naples and Frederic of Sicily, supported by the inveterate feuds of the Guelfic and Ghibelline factions in Italy, had never ceased to be the source of vexation and anxiety to the Holy See. The expedition and coronation of Henry VII. had revived the obsolete rights of the empire. Frederic of Sicily availed himself of these almost forgotten claims to step forth as the champion of the imperial prerogative. In breach of the late peace or truce with Naples, he seized and held possession of the province of Calabria in the name of the emperor as a portion of the vassal kingdom of Italy. In the year 1317 pope John XXII. threatened him with the utmost censures of the church, unless he should without a moment's delay surrender his recent conquests. The papal menaces would probably have passed away unheeded if the active

[k] The university of Paris was the special object of papal jealousy. *Raynald.* ubi sup. p. 53.

[1] Henry of Luxemburg, king of the Romans, was crowned in the church of the Lateran on the 29th June 1312.

king of Naples had not succeeded in expelling his adversary from that portion of his continental dominions, and in retorting the injury by the invasion and ravage of the island kingdom itself.[m]

The migration of the papacy had, however, greatly impaired its influence in the Italian peninsula. Its activity in that quarter was trammelled by distance and estrangement. A very general sketch of the state of the peninsula at this juncture may be necessary to throw light upon the important transaction of the reign of John XXII. to which we shall presently advert. Every city, state, and province was torn by intestine broils and factions. In the narrowest and most selfish spirit of pseudo-patriotism Guelfs and Ghibellines disputed the possession of power in their respective communities. The first of these parties put forward the claims of the papacy adversely to those of the imperialists, the latter hoisted the standard of the empire; both, with no other view than that of snatching a more or less decisive advantage over its rival. Meanwhile some of the more important commonwealths of Lombardy and central Italy had fallen into a state of subjection to individuals who, by family influence, by wealth, by military force, or by all these means combined, had possessed themselves of the governing powers, at first as representatives of the people, subsequently as absolute princes. Thus the family of Della Scala had usurped the government of the cities of Verona, Vicenza, Padua, &c. Matteo Visconti was undisputed lord of the proud republic of Milan; Raynaldus was master of Mantua; other less important communities had fallen either permanently or incidentally under the dominion of some powerful citizen or chief of a faction. The republics of Venice, Genoa, Florence, Pisa,—the princes of Este, Montferrat, and the hereditary lords of other districts originally held as imperial fiefs,—were actively engaged either in molesting their neighbours or fighting for ascendency within their own precincts

Political state of Italy.

[m] See the history of these transactions in extenso ap. *Rayn.* an. 1317, pp. 53 to 57.

and territories. Any central government or control over a nationality—if it could be so called—thus constituted was obviously impracticable; and thus it happened that both pope and emperor were driven to the precarious expedient of balancing the passions and interests of the conflicting parties against each other, as the only means of maintaining their conflicting pretensions.

Such was the general state of Italy at the death of the emperor Henry VII. (A.D. 1313). The discord prevailing among the venal and ambitious constituency of Germany had resulted in a vacancy of fourteen months,[n] prolonged for many a year by the double election of Louis of Bavaria and Frederic of Austria, son of king Albert and grandson of Rudolph of Hapsburg.[o] The latter had hastened to make friends with the Pope and the Guelfic party in Italy. John XXII., however, chose to regard the empire as in vacancy. The Guelfic and Ghibelline leaders, on their part, took the same view, and, as circumstances favoured, took upon them the office and title of vicar of the empire during the alleged vacancy. In opposition to both parties, John XXII. maintained that the appointment of an imperial vicar, or governor-general, *ad interim*, of the empire belonged exclusively to the Holy See. He accordingly annulled all other appointments; he anathematised the unrepentant intruders, and dissolved all compacts and obligations entered into with them. By his own authority he invested king Robert of Naples with the dignity of imperial vicar in Italy; and appointed that active prince senator of Rome and captain-general of the pontifical armies.

Double election in Germany.

John XXII. assumes the vicariate of the empire during vacancy; and

In central Italy the new vicar succeeded in reducing the rebellious citizens of Ferrara to obedience to the Holy See. In Lombardy, however, the papal thunders were lost upon the incor-

delegates the vicariate to king Robert of Naples.

[n] Thus it happened that much about the same time and from precisely similar causes both papacy and empire were in abeyance. Clement V. died in the month of April 1314; Henry VII. preceded him to the tomb by about nine months. John XXII. was elected in August 1316. The double election of Louis of Bavaria and Frederic of Austria in Germany took place in October 1314.

[o] Both princes were grandchildren of Rudolph; Frederic in the male, Louis in the female line.

rigible Matteo Visconti and his ally, the markgrave Amadeus of Savoy. The affairs of king Robert of Naples were in confusion, and little assistance was, at the moment, to be expected from him towards the overthrow of the intrusive vicars in Lombardy. In the interim, the conflict in Germany between the two candidates for the throne of that kingdom was protracted by the reluctance of both parties to rest the issue of their pretensions upon the result of a decisive encounter. Frederic of Austria and Louis of Bavaria were first-cousins, and up to the death of Henry VII. stood in friendly relation to each other. The candidature was in a manner forced upon Louis by the party favourable to the house of Luxemburg; while Frederic, in virtue of his vast possessions, was naturally looked up to by a numerous section of the minor aristocracy. Both parties had in the now usual form tendered their submission to the pontiff, and sued for his confirmatory adjudication. Unfortunately for both, John XXII. saw his advantage rather in the continuance of strife than in the pacification of the empire. The exercise of the vicariate during the vacancy held out an alluring prospect of political gain, while it afforded ample occasion definitively to establish the absolute dependence of the imperial authority upon the will and pleasure of the Holy See. It seemed by this time tacitly taken for granted that the imperial crown was in the gift and disposal of the Roman pontiff. The Pope himself took care to state the case in unmistakable terms. In conformity with the principle of the law applicable to feudal estate of every kind, he contended that "whenever and by what means soever a vacancy in the throne of Germany should occur, the Pope stepped into all the rights of government which legally devolved upon the superior lord by a vacancy, or any other temporary suspension of the governing powers." Pope John at the same time had resolved to regard no election as valid or legitimate but one which should be serviceable to the overthrow of the Ghibelline confederacy in Italy, and the reëstablishment

Papal doctrine of the relevancy of the empire.

of the power of the Holy See in that country. With this view he did not scruple to dally with Frederic of Austria, as the most practicable of the two candidates. The territories of the duke lay conveniently for carrying on the papal war against the Ghibelline masters of Friuli and Venetia; while, on the other hand, the difficult position of Louis of Bavaria and the predilections of his partisans inclined him to court the support and sympathy of the opponents of the Pope in Italy.[p]

John XXII. curses the Ghibelline leaders, &c.

The irritation of the Pope against the party of king Louis was stimulated by the demeanour of the Ghibelline leaders in that country. They had openly espoused his (Louis's) cause; they had hoisted his standard, and carried on the war against the papal vicar-imperial in his name as lawful king of Italy. Robert of Naples, upon whom, in that capacity, the Pope had devolved the duty of reducing the Visconti of Milan and their confederates to obedience, had thrown succour into Genoa, then besieged by Matteo Visconti and the Piedmontese. The pontiff, at the same time, commissioned the king of Naples and the French prince Charles of Valois, as *conservators of the public peace*, with the most ample powers of government. Under them he appointed "paciarii," or justices, who were instructed to proceed "spiritualiter et temporaliter" against all persons who should impugn the authority or disobey the orders of the pontifical officers, as long as it should please him to protract the vacancy of the empire.[q] Though king Robert of Naples

[p] Confer generally *Rayn.* an. 1319, and the *Art de vér. les dates*, art. "John XXII." Pope John XXII. appears to have gone a step further than his predecessors. He pretended not only that the imperial crown was an article of papal patronage, but that whenever a contested election occurred the electors were bound to accept the candidate whom the Pope should approve. The proposition, however, seems to have applied to the spiritual electors only, who (it is maintained) at their installation took an oath of unconditional allegiance to the Holy See. Conf. *Cath. Pet.* book xii. pp. 16 and 19, 20, 28. Ibid. c. iii. pp. 81, 83, 96, 99, chap. iv. p. 105, and chap. v. p. 128.

[q] It is alleged by his apologist *Raynaldi* that these steps were taken with the single view to the pacification of Italy. That this is an unsatisfactory explanation is obvious from the fact that there was no chance of such a result as long as the empire remained in abeyance. But "pacification" in the papal sense siguified submission; a state of things which, it was abundantly clear, could only be brought about by active warfare. See the ordinance ap. *Raynald.* an. 1319, p. 130; it is dated 2d June in that year.

was successful in compelling the Lombards to raise the siege of Genoa, no substantial advantage was gained. Visconti was, indeed, formally cited to answer to the charges of treason against the pontifical governor, and of usurping the lordship of Milan against the peace of pope and empire; but the summoners of the cardinal legate were ignominiously thrown into prison; and for this act of treason, temporal and spiritual, Visconti was duly anathematised, and branded as a heretic and a rebel.[r] But all the measures of the Pope for the pacification of Italy were deranged by the defeat of his general Philip, son of prince Charles of Valois. That prince had rashly invaded Lombardy with an undisciplined army collected from all quarters, and had suffered a total overthrow at the hands of the Lombards.[s] Visconti now assumed the title and functions of imperial vicar and regent, apparently by direct appointment from Louis of Bavaria as king of Italy. This act filled up the measure of his guilt, and a formal prosecution for heresy was presented against him to the inquisitors of the faith; "he had," said pope John, "repudiated and derided the censures of the church; he had denied and set at naught the *immemorial and undoubted right of the Holy See to the government of the empire during vacancy.*" The same proceeding was adopted against those lords and magistrates of Lombardy who had dared to assume the title and office of imperial vicar without the pontifical license, whereby, he declared, they had incurred the penalties of heresy and rebellion.[t]

The Pope indites the Visconti, &c. for treason and *heresy.*

Frederic of Austria had by this time attached himself avowedly to the Guelfic party. But whatever hopes that prince might have conceived, the pontiff had as yet no mind to put an end to his assumed vicariate by a public recognition of the title of either of the candidates. Down to

Defeat and capture of Frederic of Austria.

[r] The ceremony was performed with all due solemnity by the legate in the great church of the Guelfic city of Asti.

[s] *Villani*, lib. ix. c. 108, 109, ap. *Murat* Ss. Rr. Ital.

[t] Conf. the instructions of John XXII. to his legate in Italy in reference to the treatment of the Ghibelline leaders, ap. *Raynald.* an. 1320, p. 132.

the year 1332 this state of things had been prolonged by the chaotic disorder of the Germanic constituency.[u] But in that year (the 28th Sept.) Frederic of Austria suffered a total defeat, and became the prisoner of his rival.[v] The Austrian party, though no longer in a condition to keep the field, had indeed survived the defeat; yet the relief his victory brought with it enabled Louis of Bavaria to turn his attention to the interests of the empire in Italy. The legate of the Pope in the Peninsula had collected a numerous body of mercenaries, and threatened ruin to the Ghibelline party. In this emergency Galeazzo, son and successor of Matteo Visconti, and his allies threw themselves into the arms of Louis of Bavaria. The latter, in contempt of the papal authority—probably under irritation at the insolent pretensions of the Pope—without delay despatched a body of 800 men-at-arms to the assistance of the threatened cities, and gave peremptory notice to the legate to desist from the siege of Milan, as a city of the empire over which the court of Avignon had no jurisdiction. John XXII. replied to this bold challenge by an edict "forbidding the pretender Louis of Bavaria to do any act of government during the vacancy; commanding him to revoke every ordinance promulgated by him from the date of his unwarranted assumption of the royal authority; and warning all persons against rendering any kind of obedience, aid, or assistance to him in the character of king of the Romans, upon pain of the extreme penalties of the canon law."

Papal *declaration* against Louis IV.; its effect.

This *declaration* brought the great question of the *independence of the Germanic crown* to a conclusive issue. During the long discontinuance of the imperial regimen, dating from the death of Frederic II. (A.D. 1250) to the coronation of Henry VII. (of Luxemburg, A.D. 1312), the court of Rome had taken advantage of the distractions of the times, and the long abeyance, to enlarge the earlier

[u] A period of eight years subsequent to the death of the emperor Henry of Luxemburg in 1313.

[v] The decisive battle was fought near the little town of Mühldorf in Upper Bavaria.

claim of right to grant or withhold the crown of empire, to a similar right of disposal in regard to that of Germany, alleging that inasmuch as the functions of king and emperor of the Romans were identical, and as Germany was the birthplace and seat of the empire, that kingdom must fall under the same jurisdiction as that by which the imperium itself was governed. To this presumption the German constituency itself had given some encouragement, by uniformly identifying the kingdoms of Germany and Italy with the imperium. The submissive demeanour of the successive kings, the unmistakable professions of subjection tendered by Rudolph of Hapsburg, and the undisguised solicitude of his successors for the papal confirmation,—an absolutely exceptive state of things as it regards every other Christian principality or kingdom,—tended manifestly to strengthen the papal pretensions. At the same time it should be borne in mind that these pretensions were no novelty. The great conflict with the Hohenstauffen dynasty had turned upon a similar issue. Those princes had asserted an absolute right to, and an independent possession of, the crown of empire, and for this offence had incurred the immitigable hatred of the court of Rome.[w] That court had on all occasions dwelt with devout reliance upon the miserable fiction of the "Donation of Constantine the Great"—strange to say, without contradiction. This passive state, this ominous silence, continuing through a period of nearly three quarters of a century, tended naturally to feed the professional prepossession of the papal churchmen and canonists, and to introduce confusion and uncertainty into the minds of the laity as to the proper limits of their duties. Thus all the efforts of Frederic II., the only sovereign of the age who possessed genuine legislative ability, had been wrecked upon the shoals of ignorance and mendacity. The task of emancipating the empire from this state of thraldom now rested upon the shoulders of king Louis IV.; and

[w] The reader is referred to chap. ii. of this vol., and particularly to pp. 43, 51, 69, 70, et sqq.

that prince, even while occupying a tottering throne, did not shrink from a bold and manly assertion of the independence of the royal and imperial crown of Germany.

John XXII. threatens the emperor.

The decisive and effectual support afforded by that prince to the enemies of the Pope in Italy—more especially to the condemned heretic and rebel Galeazzo Visconti of Milan—brought the quarrel between the pontiff and the king to a crisis. The exordium of the bull of condemnation dogmatically assumes the proposition that the power of electing a king of the Romans *sprung originally from the grant of the Holy See*, upon occasion of the fabulous transfer of the empire from the Greeks to the Germans by the appointment and coronation of Charlemagne. In consequence of this fictitious origination, the Pope assumed an absolute right to examine into and decide upon the qualification of the candidates for the imperial crown, and to confer it upon the person whom, after such inquiry, he should deem fittest for that dignity. Moreover, as a corollary of that supreme prerogative, the Pope declared himself the natural judge in all controversies between contending candidates; he condemned Louis for having taken upon himself the royal name, and exercised the administrative powers of empire without the authority, and in derogation of the rights, of the Holy See; he had dared to deny that the adverse election of a rival king, and the schism among the princes of Germany, had created a vacancy of the empire: he had sent military aid to the heretic and rebel Galeazzo Visconti, and the other enemies of the church in Italy; for all which offences a term of three months was granted for repentance; unless, however, within that time, he should not have laid aside the crown, dropped every pretension to the kingdom, and ceased to exercise the governing powers, the Holy See would, without delay, proceed to judgment against him as a rebel and usurper. Meanwhile all princes, prelates, and persons ecclesiastical and civil, were strictly forbidden to obey him, or to do him any homage, service, or duty as sovereign, upon

pain of excommunication and interdict; the Pope at the same time absolved his adherents from all oaths, promises, or engagements they might have taken or contracted with him as their liege lord.[x]

Reply of Louis IV. to the menaces of the Pope.

Louis replied promptly to this insolent decree. "It had been," he said, "from all times an undoubted principle of the national law, that the person upon whom the princes and states of Germany should either unanimously or by a majority confer their suffrages, became by that act alone and exclusively king and emperor-elect, and invested with all the powers of government, without reference to any foreign authority. The Pope could claim no lawful right to control or vary the law of the land; or, in virtue of any pretended power of preliminary inquiry or right of approval or rejection, to affirm or reverse the act of the electors, unless in any emergency they (the electors) should appeal to or cast themselves upon his decision. As to the aid rendered to the alleged heretics in Italy, he protested that no proof or even intimation had come to his knowledge of any such grave charge against the Visconti of Milan; and that even if he had had such intimation, subsequent assurances received from that quarter would wholly disincline him from taking notice of any charges of the nature of those alleged against him by the Pope: besides this, the Pope had palpably neglected his own duty as supreme pastor of the church by disregarding the petitions of the bishops and clergy to be relieved from certain scandalous and heretical abuses, especially imputable to mendicants and other clerical disturbers of the public peace; whereby he had rendered himself an accomplice of those abuses, and consequently become personally liable to the like charges: for this lamentable state of things there was but one remedy, and that remedy was the immediate *convocation of a general council of the church: to such an assembly, therefore, he* (the king) *confidently appealed* against every allegation impugning his election, as well

[x] See the bull in extenso, ap. *Rayn.* an. 1323, p. 232.

as against the continuance of those religious abuses and depravities of which he in his own person, and his subjects and clergy in general, had so often and so vainly protested."

John XXII. tempts king Charles IV. of France to aspire to the imperial crown.

An apology which assailed the radical maxims of the papacy in its relation to the empire—which retorted the charge of heresy upon the Pope himself, and closed with the most dangerous and offensive of all attacks, *an appeal to a general council*—could not be treated by the Pope otherwise than as an aggravation of the original offence. Accordingly, pope John repeated the conditional decree of rejection and excommunication with the usual clauses annulling all the oaths, promises, and undertakings of his adherents or professed subjects; retaining, however, the disparaging *locus penitentiæ* assigned by the previous decree, and even once more renewing the term after the expiration of the former reprieve. The captive Frederic of Austria was no longer a fit instrument for the purposes of pope John; he therefore encouraged king Charles IV. of France to aspire to the imperial crown, and even obtained the concurrence of the archbishop of Treves, duke Leopold of Austria, and king John of Bohemia.[y] But the negotiation fell to the ground almost at its commencement; Leopold found his hopes of procuring the liberation of his brother disappointed; the king of Bohemia stepped aside, and Charles IV., under so uncertain a prospect of support, declined the tempting proposal.

He repeats, and makes absolute the bull of condemnation, &c.

Pending this transaction, the last reprieve vouchsafed to the impenitent Louis of Bavaria expired; and the Pope was driven, perhaps reluctantly, to launch the thunders of the church against the obdurate sinner in their most terrific form.[z] As before observed, pope John had pre-

[y] *Raynald.* an. 1323, pp. 233, 234.

[z] The reader of the annals of *Raynaldi* must, we think, be struck with the temperate and forbearing—or perhaps rather the timid—spirit of Louis of Bavaria throughout the contest. He avoided breaking off his intercourse with the court of Avignon; his language was humble without servility, yet in no instance assenting to the pretensions of the Pope, or compromising his own right as king of the Romans. This

luded the intended thunderbolt against king Louis by the excommunication of Galeazzo Visconti, the lord of Milan, and his allies. Their adoption and acceptance of the imperial commission was construed as a substantive *heresy;* other charges of doctrinal error were added by way of makeweight; a formal prosecution before the papal inquisitors for heresy had been instituted, and sentences of condemnation promulgated against them. King Louis was by the same tribunal included in the sentence as a defender and abettor of the principal offenders—Galeazzo of Milan, the markgraves Rinaldo and Azzo of Este, and other rebellious subjects of the Holy See in Italy; consequently himself punishable as a rebel and heretic. The leaders of the auxiliary force, by whose aid Galeazzo had defeated and dispersed the papal army, were condemned by name; and, lastly, on the 1st of October 1324, Louis himself was in public consistory solemnly declared a rebel and a usurper, and deprived of every right or title he might claim under his alleged election, and in company with all who should acknowledge or obey him as king of the Romans,[a] or afford him comfort and assistance in the prosecution of his "nefarious" rebellion, put out of the communion of the church.

Reply of the states of Germany; declaration of right.

But in the interim the prudent and statesmanlike policy of Louis at this period had placed him in a position to brave the papal thunders. The turbulent constituency of the empire had been mollified; the chiefs of the Germanic aristocracy were in fact for the moment loth to disturb the existing order of things. At the earliest intelligence of the final rupture with the court of Avignon, the king might safely venture to convoke a general

moderate tone afforded a sufficient ground for treating his communications as *supplications* or as *petitions*, such as the addresses of a subject to his sovereign—a style which the *curia* never failed to adopt upon like occasions. Conf. the documents alluded to, ap. *Raynald.* an. 1324, pp. 257, 259.

[a] *M. Pfister* (Gesch. der Deutsch. vol. iii. p. 169) says that the sentence included a general interdict upon the country; "that all churches were closed, and the last consolation refused to the dying." I cannot find any evidence for this statement. Villani says nothing about an interdict. S. Antoninus, as quoted by *Raynaldi* (u. s. p. 276), seems to have been equally ignorant. Raynaldi himself does not mention it.

diet of the empire. The states met at Ratisbon, and unanimously voted a strong protest against the late denunciation of pontifical wrath. The manifesto issued by Louis IV., in pursuance of the resolution of the diet, branded pope John XXII. as an enemy of the peace of the empire and a sower of the tares of discord among the princes and subjects of the state. A credible report, it was observed, had reached them that he had publicly declared his opinion that really and practically *the Pope was never a real pope* but when the powers of the world were at variance, and that the dissensions of the German chiefs had been more especially profitable to the Holy See : and with this opinion all his acts corresponded ; for was it not notorious, they asked, that, while the country was inundated by his extortioners and money-jobbers, he had never sent them message or messenger of edification or benevolence—never shown himself as the minister of Him whose nature was love, and His commandments the heralds of peace and goodwill towards men ? Moreover, they maintained that the general actions of the Pope in the affairs of the empire were altogether uncanonical and illegal: he distributed the great dignities of the Germanic church among his own low-born dependents and sycophants, binding them to devote themselves wholly to the dissemination of sedition and rebellion in the empire ; and even if the election of the reigning prince be deemed defective in any point, yet that deficiency offered no legal bar to the exercise of the government *de facto:* but were this true, yet it does not lie in the mouth of the Pope to raise the objection, inasmuch as he himself had set at naught the undoubted right and franchise of the princes of the empire ; he had usurped the imperial vicariate, an office which the law of the land had definitively and exclusively assigned to the earl palatine of the Rhine ; he had with all his powers fomented and exacerbated the differences which had arisen between king Louis and duke Frederic of Austria, with the avowed intent to overthrow the constitution of the empire by the perpetuation of those dissensions which,

he hoped, would enable him to realise his own wild menace uttered in open consistory, namely, that "he would crush the brazen serpent," meaning the empire, "under his heel;" and with this view he had, with vulpine craft, deliberately and systematically set the princes of Germany at variance with each other: moreover, not only is he a manifest offender against human law, but he hath, by his inhuman persecution of the innocent disciples of the holy Francis, set the divine law itself at defiance:[b] in the last place, the Pope had acted an impious and cruel part towards the Holy Land, by squandering the contributions of the pious towards the deliverance of the holy sepulchre upon his own irreligious and sanguinary wars. "All these enormities," the document concludes, "it behoves us (the emperor) as supreme protector and advocate of the church, and in conformity with our coronation oath, to denounce and resist with all our might; and so to do is our firm resolution, as witnessed by our solemn oath upon the holy gospels, to this our resolution and our belief in the truth of every article above stated; all which we are prepared to maintain *before a general council of the church.*"[c]

Awakening of the Germanic constituency.

The last clause of this vigorous protest was probably the most offensive of all to the court of Avignon. The irritation produced by appeals to a general council of the church arose principally from a dread of disclosures affecting the character and practice of the Holy See, which were now more frequently and loudly called for than ever. The resolutions of the diet of Ratisbon revived the great controversy between the papacy and the empire, which dated from the accession and closed with the extinction of the Hohenstauffen dynasty. For a time the court of

[b] Alluding to the proceedings of pope John XXII. against an enthusiastic sect among the Minorite or Franciscan order, who maintained the dogma of the absolute poverty of Christ and his disciples, and stoutly contended that the patriarch of the order and his true followers had renounced all property even in the food they swallowed. The history of this sect exhibits one of the more interesting phenomena in the state of the public mind at this period of fermentation and religious speculation.

[c] *Raynald.* an. 1324, pp. 276, 277. Conf. *Pfister*, Gesch. der Deutsch. iii. 170, 171.

Rome had triumphed. The sovereigns and princes of Germany had bent the knee to the pontiffs of Rome. But influences personal or corrupt, though they may obscure, cannot obliterate nationalities, or chase from the memory of a high-spirited people the laws and customs which constitute and secure their independence. The Germanic constituency, as a body, never understood their relation to the papacy to be that of sovereign and subjects; and they pulled up short when the intent to introduce that relation on the part of the Holy See became manifest.

Nature and amount of papal claim, &c.

It is important, with a view to show the true nature and amount of this claim, to advert to the principal points urged by the papal court against the empire. Throughout the twelfth and thirteenth centuries, but more particularly in the first half of the fourteenth century, that court had, with some inconsiderable variations, maintained the following propositions: 1. The Pope is the supreme governor of all earthly states and kingdoms; and from him, and through him, kings and princes derive all their powers. 2. With special reference to the empire, the rights of the electors were originally delegated to them by formal fiefment from the Holy See; consequently both electors and elected stand towards the Pope in the strict relation of vassals to their liege lord. 3. Therefore when they refuse or neglect the duties incumbent upon them in that relation, the pontiff is at liberty to revoke the grant, to resume his original right of disposing of the empire, and to transfer it to anyone he may think proper. 4. In virtue of this indwelling sovereignty, he legally exercises the power of confirming or cancelling the election; consequently no king of the Romans or emperor-elect is entitled to enter upon the government of kingdom or empire until he shall have received the pontifical approval and commission. Yet 5. After such approval the emperor is, under the Pope, the head and chief of all Christian kings and princes. 6. The city of Rome belongs exclusively to the pontiff, and is therefore severed from the empire. The same

principle holds good of the entire estate of the church, to whatever extent it may have pleased the popes to amplify it. 7. In virtue of the assumed supremacy, moreover, the pontiff of Rome for the time being is entitled, in case of vacancy, to enter upon the active government of the empire, and to appoint a vicar or vicars imperial in every part thereof, until it shall please him to issue his fiat in favour of the person chosen by the electors, to whom the choice is in the first instance delegated. 8. Furthermore, in case of a schism among the electors themselves, it is the unquestionable prerogative of the Holy See to adjudicate upon their qualifications for the office, and to determine the validity of the votes; to prescribe the plan of election, and to depose the prince archchancellor of the empire (the president of the council of electors) if he should fail to conduct the proceeding to the satisfaction of the pontiff.[d]

The court of France encourages the papal encroachments, &c.

It is remarkable that these despotic pretensions should have been insisted upon in their most stringent form, and adopted into the text-book of the canon-law of Rome, just at the period when the power to enforce them in practice was falling from the hands of the popes. So rash an advance is generally inconsistent with the prudential practice of the court of Rome; so much so, indeed, as to induce us to look elsewhere for a motive for the uncompromising and offensive declarations of right issued by Clement V. and his successor John XXII. By the transfer of the Holy See from Rome to Avignon, the papacy had, in a great measure, surrendered its independence;[e] and it will be found that

[d] The curious reader may be referred to the Decretal of Clem. V. in the appendix of that pontiff to the Corp. Jur. Can. title ix. "De Jurejurando," ap. *Richter* Corp. &c. t. ii. p. 1070; as also to the "Extravagant" of John XXII. tit. v. *Ibid.* p. 1126. The material points in the above enumeration of the papal claims may be collected from these two documents. The proofs of the minor points are so numerous and so scattered over the whole history of the pontificate as to defy quotation in a compendious narrative like the present.

[e] This result is admitted and bewailed by *Raynaldi* in very moving terms. See An. Eccl. tom. iv. an. 1305, where the history of the corrupt bargain between the Archb. of Bordeaux and king Philip le Bel is related at length. The writer designates the migration as a "Babylonian captivity." See exordium to the annals of 1305, p. 390.

whatever appearance of liberty the pontiffs of Avignon may have been allowed to assume, the strings of their political action were pulled by the court of France. The scheme of Philip le Bel, generally adopted by his successors, was directed mainly against the empire; and, in pursuance of that policy, the perpetuation of that anarchical state of the Germanic constituency, which created so many opportunities for encroachment on the frontiers of the empire, and even encouraged intrigues for placing the imperial crown on the brows of the sovereign of France, was indispensable. With these views the French kings encouraged the court of Avignon in the practical application of the extreme principles of papal omnipotence to the imperial power, from the reaction of which they regarded themselves as beyond the reach of possible danger.

Circumstances favouring encroachments upon the rights of the empire.

But these concurrent views of the courts of France and Avignon rested on a miscalculation. At the outset, indeed, certain circumstances highly conducive to success presented themselves. The character of the emperor Louis IV. exhibited a fatal mixture of rashness and pusillanimity; he was, moreover, tainted with that craving for territorial acquisition which was one of the besetting sins of the Germanic princes. As an elective monarch, he had nothing to support himself upon during his tenure of office—or after his decease for his family to fall back upon—but territorial aggrandisement. The limited powers intrusted to him by the constitution of the empire left the sovereign little liberty of action other than that which he derived from landed acquisition and the influence it brings with it. Yet the process was attended by inconveniences and dangers which more than balanced the advantages gained. The constituency sympathised with the Franco-papal scheme in their anxiety to prevent the rise of a preponderant race or family of princes. They desired to see on their throne an elective chief who should be too weak to oppose an effectual check upon their selfish and rapacious views. The more frequent the elections, the more

numerous the opportunities of enriching themselves; and the obligation of allegiance was felt in exact proportion to the expectation of personal profit.

Political miscalculation, &c.

Thus far the Franco-papal views corresponded accurately enough with those of the Germanic constituency; but when it appeared that that scheme tended directly to transfer the elective franchise from them to the Pope, and by consequence to their enemies the French kings, they took the alarm; they forgot for the moment their mutual strifes and animosities, and joined, as we have seen, in one hearty protest against pretensions which could have no other object than the overthrow of the system upon which they had hitherto thriven, and the virtual abrogation of the existing constitution. Fortified with the protest of 1324, the spirits of the emperor, which had been shaken by the thunders of the pontifical Olympus, rose to the level of his station. By the aid of the Ghibelline chiefs in Italy he was enabled to force his way to the holy city, and, in defiance of the Pope, to place the imperial crown upon his brows.[f] The appointment of an antipope in the person of Pietro de Cornaro, by the name of Nicolas V., was a step of more questionable expediency. The election was in all respects irregular and uncanonical; it imposed a heavy burden upon the consciences of his own friends, while it went far to justify the reprisals of his adversaries, and, at the same time, to charge him with the defence of a feeble and useless dependent.[g] Though successful in attaining the object of his ambition, it speedily became apparent that nothing was further from the thoughts of his Ghibelline clients than to take upon

Expedition and coronation of Louis IV.; his errors and failures.

[f] The people of Rome claimed on this occasion, as on others, the right to bestow the imperial crown, even in opposition to the Pope. This had for ages past been a *vexata quæstio* between the pontiffs and the citizens.

[g] The emperor had caused pope John XXII. to be formally deposed on the *ground of heresy*, a crime referable to no special tribunal. The emperor therefore, in his canonical character of guardian of the orthodox faith, was more peculiarly entitled to inquire into and to punish heresy wherever he might discern it, provided the charge was established by competent testimony. The Pope himself could not in such cases claim exemption from inquest and adjudication. Pietro di Cornaro (Nicolas V.) was a Minorite friar.

themselves the yoke of a master. The promised funds were withheld upon frivolous pretences, or on no pretence at all. Money failing to pay his military and other expectants, the usual disorders of the soldiery soon put to flight the loyalty of the Romans. The position of the emperor became untenable; and, after a residence of four months in the capital of Christendom, he was fortunate enough to make good his retreat to Pavia. Here he heard of the death of his late competitor duke Frederic of Austria,[h] accompanied by alarming reports of papal intrigue and agitation in his native realm. Exasperated by the apparition of a rival pontiff, pope John XXII. left no stone unturned to induce the electors to depose the emperor and proceed to a new election. By dint of promises and exhortations, but more effectually by grants of money and military assistance, a formidable insurrection was organised, and ready to burst into open warfare.

Depressed condition of the emperor.

Such was the news which greeted the emperor on his return to Germany. His Pope (Nicolas V.) had fallen into the hands of the Guelfs, and was forwarded by them as a prisoner to Avignon, where, by a plenary submission and confession, he convinced the Pope either of his repentance or his insignificance, and obtained mercy. Meanwhile, the desertion of his Italian friends, and the prospect of a civil war in Germany, had so depressed the unstable spirits of Louis IV. as to incline him to lay down his arms, if any tolerable conditions of reconciliation could be obtained from the Pope. The latter, however, in strict pursuance of his settled design to hold the empire in abeyance, if not to take the nomination of an emperor into his own hands, refused all terms short of an unconditional abdication. Meanwhile, under the auspices of the ambitious John of Luxemburg,[i] king of Bohemia, discord and civil war were propagated throughout

[h] Whom he had liberated from captivity about five years before this period, viz. on the 13th of March 1325. Louis IV. quitted Rome in the month of August or September 1329, and spent the following year in northern Italy. He returned to Germany in Dec. 1330.

[i] Second son of the Emperor Henry VII., duke of Luxemburg.

Germany and Italy. With the vision of the imperial crown *in prospectu*—a hope the Pope had no intention to fulfil—the king of Bohemia had promised to bring the emperor in chains to the footstool of the Pope at Avignon. By the aid of the dukes of Austria, the rivals of the traitor-king, Louis was enabled to baffle the plot; he cancelled a deed of abdication, which, in the state of deep depression—probably also of religious alarm—to which he had been reduced by desertion and treason, he had been persuaded to execute; and breasted his difficulties with a courage inspired by despair rather than by firmness of purpose or purity of motive.

Louis IV. proposes to abdicate.

By the death of John XXII. in the year 1336, the heavy cloud which darkened the prospects of the emperor seemed to break away. Pope John was succeeded by Benedict XII.; a prelate of moderate views and gentle disposition. The new Pope took steps to put an end to the evils of discord, and—probably with that intent—accepted the conditions of reconciliation respectfully tendered by the emperor. The French court, however, took the alarm; Philip VI. (of Valois) protested against the negotiation, and enforced his remonstrance by the sequestration of the benefices and revenues of the Pope and cardinals in France. This expedient proved eminently successful; and the court of Avignon was contented to purchase restitution of its lands and chattels by abruptly breaking off the treaty—then lying ready for signature—and by the summary dismissal of the imperial envoys. This unexpected blow threw back the unfortunate Louis IV. into a state of despondency. Weary of an eminence which brought him nothing but perplexities and disappointments, and agitated by superstitious apprehensions, he voluntarily proposed to lay his crown at the feet of the Pope, to sue for absolution in person, and to accept any penance the Holy See might think fit to impose; humbly supplicating, as a token of the pontifical benevolence, the revocation of

the interdict imposed by his predecessor, and the restitution of the imperial title and honours[k] to himself.

The Franco-papal conspiracy against the empire; its effects.

Notwithstanding the vigorous efforts made by John XXII. to uphold the extreme pretensions of the papacy in the only quarter accessible to his weapons, the pressure of the "Babylonian captivity" was at no period more severely felt and deplored than at the moment when the Franco-papal conspiracy against the empire seemed upon the eve of success. The terms of submission tendered by the emperor were favourably received at Avignon; but again the veto of the court of France put an end to the negotiation. At the dictation of king Philip VI., the emperor's envoys were again dismissed upon the frivolous and insolent pretence that the repentance of Louis was insincere, and that he was not in a sufficiently penitent frame of mind to be a proper recipient of the pontifical pardon. In vain the gentle pontiff remonstrated with the headstrong monarch. "The discerning people of Germany," he said, "well knowing from what quarter the perpetuation of their calamities, spiritual and temporal, proceed, will surely no longer permit themselves to be led astray; they will certainly conspire with the English and other hostile neighbours against you."[1] The prediction was verified almost as soon as it was uttered. The profound indignation of the emperor seemed to awaken him from the torpor into which he had been plunged by the treachery of pretended friends, his own conscientious scruples, and the weakness of the court of Avignon. He broke off all intercourse with the Pope; the princes of the empire—with the exception of king John of Bohemia—shared in his resentment, and became for the time fully alive to the plot ripening for their subjugation to the yoke of France. The envoys of Edward III. of England, proffering an alliance against their encroaching neighbour, were favourably entertained, and the king's terms joyfully accepted. By certain prudent

[k] See the documents about this transaction ap. *Rayn.* an. 1336, pp. 65, 73.

[1] See these creditable suggestions ap. *Rayn.* an. 1337, p. 96.

concessions the spiritual electors were gained over to the plan of defence proposed by the emperor. Secret intelligence led him to believe that Benedict XII. was heartily weary of the state of abject dependence in which he was held by the vain and imperious Philip VI. No sooner had the conviction forced itself upon the minds of the princes of Germany that their hereditary enemy, seconded by the sycophantic and servile friend of France, John of Bohemia,[m] was the real obstacle to the reconciliation of church and empire, and the restoration of peace to their harassed subjects, than one of those revulsions of opinion and feeling ensued which so often accompany the sudden dispersion of the mists that for a time conceal the real aspect of affairs from the public view. It was now very clearly seen that the independence of the emperor—and with it that of the whole constituency of the empire—was threatened; that the rights of electors and elected were simultaneously endangered by the wild ambition of the French king and the subservient policy of the court of Avignon.

Controversy: its results.

It is probable that the curiosity of the better-informed classes had been forcibly awakened by the publications at this time industriously circulated by the advocates of the papacy on the one part, and of the emperor on the other. The latter class of writers boldly asserted the unlawfulness of the anathemas of John XXII., and upheld the absolute independence of the empire; founding themselves upon the same divine authority as that claimed by the church.[n] The controversy was principally conducted by a numerous

[m] The king of Bohemia had hoped to pave his way to the imperial crown by a strict alliance with Philip VI. of France.

[n] The principal publications touching the controversy are inserted in the work of the learned Saxon lawyer *Goldast* entitled "Monarchia S. Rom. Imp." vols. i. ii. The most important of these works, that of William of Occam, was a defence of the sect of Minorite friars, who maintained the *absolute poverty* of Christ and of his Apostles, against Pope John XXII.; it bears the title of "Opus nonaginta dierum," and is inserted in vol. ii. p. 993 of the "Monarchia," &c. Those works of Occam which more immediately concern our subject are entitled "Opera de ecclesiastica et politica potestate et super potestatem summi pontificis," and are contained in vol. ii. p. 313 of the "Monarchia," &c. The works of the Minorite friar *Marsilius of Padua* are found in the same vol. pp. 147, 154.

sect of Minorite friars, who had, as already observed, ventured to maintain the absolute poverty of Christ and his disciples against pope John XXII. and the wealthier regulars of the rule of St. Francis. The faction which, for its own purposes, had cast the whole blame of the existing disorder upon the emperor, was silenced ; and Louis IV. was encouraged to meet the diet of the empire with such convincing proofs of the sinister designs of the French king, and the destructive character of the papal pretensions, as to produce a unanimity in their councils, which, though of temporary operation, yet, as an act of the legislature and a landmark for future legislation, was of incalculable importance to promote emancipation from a yoke which the downfall of the Hohenstauffen dynasty had fastened on the neck of the empire.

The diet of Frankfort repudiates the papal pretensions.

The first resolution of a great diet, assembled at Frankfort-on-the-Mayne in the month of May 1838, declared all the proceedings of pope John XXII. against the emperor void *in toto*. The emperor was requested of his own authority to annul the interdict imposed upon Germany by the deceased pontiff, to reëstablish public worship throughout the empire, and to punish as rebels any clerk or layman who should disobey the ordinance, or obstruct the celebration of the services of the church. The electoral princes[o] put upon record a unanimous resolution to maintain the whole common-law and statutory rights of the empire and its constituency against all persons and powers *without exception;* undertaking at the same time for their respective subjects and vassals, as well as their good towns and the burgesses thereof, to the like effect. To these vigorous resolutions they appended a formal declaration of the rights and liberties in question. The principle which pervaded and governed the whole document purported that "the imperial power was derived *immediately and solely from God:*" a categorical negative was given to the pretence

[o] That is, six out of the seven ; John of Bohemia, the intimate ally of Philip of France, having declined to attend.

that the royal power and dignity was in any case the subject of papal grant. They declared the proposition that the king whom they should elect was neither king nor emperor, and therefore incapable of performing any duty of government or administration until confirmed by the Pope, to be false and scandalous. They pronounced the imperial status to be complete, and the powers and dignities it conferred to be wholly and effectively invested in the object of their choice, without any further authorisation, and therefore altogether irrespective of any pretended right of the Holy See to approve or confirm the election. These articles were declared to be the fundamental and immemorial laws of the empire. All persons who should disobey or controvert that ordinance were branded as traitors and rebels, and condemned to forfeiture of lands and chattels, and all rights and liberties as subjects or citizens.

Supported upon settled principles of constitutional law, the emperor was enabled to take the necessary steps for the execution of the resolution of the diet. He issued decrees prohibiting all persons from introducing, accepting, or giving obedience to any papal bull or brief without the permission of the bishop of the diocese or other ordinary. He ordained that the oath taken to the Holy See by the emperor-elect, or other person thereunto canonically liable, *should not be, as heretofore, in the nature and terms of an oath of allegiance*, but that it should simply imply *spiritual or religious obedience* and protection to the lawful rights, possessions, and privileges of the Holy See. The third and last of the series of decrees declared, in opposition to the papal pretension, that the office of imperial vicar, during vacancy of the throne, was vested, not in the Pope, but wholly and exclusively in the elector palatine of the Rhine as regent *ad interim*.

Decrees for the execution of the national protest.

It will be perceived that these enactments amount to an absolute rejection of the claims set up by the Holy See against the empire—claims carefully nursed into operative force during the whole course of the thirteenth century, and slavishly

Treachery of the French court.

countenanced by successive emperors and kings of the Romans, under a humiliating sense of their dependence upon the support of the papal court against their own turbulent subjects and their treacherous neighbours. Thus far everything was gained on behalf of the empire; very little, as it turned out, on behalf of the emperor. Though the papacy might be damaged by the transactions of Frankfort, king Philip of France was not deterred from pursuing the game of guile and intrigue he had hitherto so successfully played. The alliance of the empire with England languished from the beginning under the influence of various political causes, the most important of which was the poverty of the imperial treasury, and the default of the promised subsidies from England. With the view of widening the alienation of the emperor and his ally, Philip VI. held out to the former confident hopes of a reconciliation with the Holy See, on the single condition of the abandonment of the English connection. It seems to have been understood that the secret yearning of Louis for his restoration to the communion of the faithful would move him to accept with delight any prospect of reconciliation with the father of Christendom. Louis had reason to believe that pope Benedict XII. was nothing loath to grant the desired absolution upon moderate terms. The league with the great enemy of France was accordingly abandoned, and negotiations of an intimate nature were initiated with the French court. Louis's overtures at Avignon were received in a friendly spirit; all obstacles seemed cleared away; when suddenly the imperial envoys received the intimation that the absolution requested could not be granted unless the emperor should submit to all and every the canonical penalties that might be deemed necessary, and give convincing proofs of genuine penitence and future obedience.

Selfish policy of Louis IV.

This flagrant proof of the treachery of the French court unmanned the unsteady spirits of the emperor. All that the estates of the empire had done towards emancipation from the yoke of the papacy was imperilled by the vacillating character of

the sovereign. But worse than this; as far as his personal interests were concerned, Louis himself was deeply tainted with the prevalent vice of his age and station. He made no distinction between private interests and public duty; and was frequently seduced into sacrificing the latter to the former. The desire of territorial aggrandisement, and the steps he took to place the influence of the house of Bavaria upon the like eminence with that to which Rudolph and Albert of Hapsburg had elevated the house of Austria, and Henry VII. that of Luxemburg,[p] had created widespread dissatisfaction and jealousies among the princes of Germany, and lamentably loosened the delicate and brittle bonds which bound them to his throne. King John of Bohemia, who shared the councils and adopted the wily policy of his friend and ally Philip VI., became the active agent of French intrigue in Germany, and at length openly negotiated for the deposition of Louis, and the elevation of his own son Charles of Luxemburg to the imperial throne. At this juncture the pacific pope Benedict XII. was succeeded by a creature of the French court under the name of Clement VI.[q] The new pontiff was deaf to the solicitations of the betrayed and deserted monarch; at the suggestion of the king all terms of reconciliation short of unconditional abdication, and the most humiliating penances,[r] were rejected. Finding that the electors were bent upon his ruin, Louis embraced the degrading alternative, in the forlorn hope of finding that justice and mercy from his foreign adversary which was denied him by his own subjects.

But when it came to the point, it appeared that other conditions, with which he could not or would not comply, were added.[s] The alarm of the Pope Clement VI. and

[p] By seating his son John upon the throne of Bohemia.

[q] Elected 7th of May 1342.

[r] For the threefold crime of usurpation, adultery, and incest. He had taken upon himself arbitrarily to divorce Margaret, the widow of a son of the king of Bohemia, and married her himself. In aggravation of his offence it was alleged that Margaret was related to him in the third degree of consanguinity, which added the crime of incest to that of adultery.

[s] Probably a renunciation of the *resolutions of Frankfort*, and the surrender of all his acquisitions, especially that of the county of Tyrol.

the king of Bohemia in the affairs of Germany.

Germanic princes at demands which threatened their independence afforded a respite to the harassed emperor. While the intrigues of John of Bohemia were working his ruin, Louis endeavoured to avert or to disperse the impending storm by a league with the king of Hungary and the powerful Ghibelline chief, Martino della Scala of Verona. To his own disaffected subjects he proposed to abdicate in favour of his son, while he was preparing, with the aid of his new allies, to establish himself in Italy. Pope Clement felt or affected serious alarm at the prospect of an invasion of that country; and with a view to frustrate that attempt, as well as to prevent the French court from taking the initiative in the impending election, entered into intimate correspondence with the king of Bohemia, from whom he was assured of implicit obedience, and the recognition of the papal supremacy to the full extent of the claims set up by John XXII. The king, while cajoling the court of Avignon by expressions of abject subjection and obedience on the part of the Germans, took an opposite course in his dealings with the constituency. Instead of founding his case against the emperor upon the ground of disloyalty to the Holy See, he charged him with the crime of inordinate ambition, and a *pusillanimous submission to the extravagant pretensions of the Pope;* thus sacrificing the honour and independence of the empire to the national enemy, the king of France. Clement VI. thought he could not do a more acceptable service to the cause of the new champion of papal prerogative than by hurling a terrific anathema at the devoted head of Louis of Bavaria,[t] and commanding the electoral princes to proceed without delay to place an approved king of the Romans on their throne. The confederates accordingly formally summoned the emperor to abdicate in behalf of Charles, the son of king John: Louis was found willing to retire in favour of his own son; but that proposal was rejected by the party, and Charles was elected and crowned

[t] Conf. *Raynald.* an. 1346, p. 19 et sqq.

at Bonn by a majority of the estates of the empire. The prospects of the rival king, however, were not of the brightest. He found himself in the position of so many preceding pretenders to the crown of empire; he was unable to keep the field against his adversary; and Charles of Luxemburg might have shared the fortunes of Richard of Cornwall, Alphonso of Castile, or Adolphus of Nassau,[u] had he not been relieved from his embarrassments by the sudden death of Louis IV. from apoplexy, while engaged in a bear-hunt in the forests of the Tyrol.[v]

Death and reputation of the emperor Louis IV.

The emperor Louis IV. had indeed made a bold stand against the usurpation of the Holy See on the imperial prerogative; yet moral cowardice more than once threatened to plunge him and the empire back into the servitude from which the estates of Germany had emancipated themselves at the diet of Frankfort. An adverse gale of fortune threw him at once off his balance; and it is a matter of doubt whether this inherent weakness, or his undisguised greediness of territorial acquisition, was most fatal to his popularity. But whatever share he might claim in the legislative acts of his reign, it is important to observe that the resolutions of Frankfort stood, from this point of time, upon the statute-book of the empire as a legal and constitutional refutation of the papal pretensions. Louis IV. was the last emperor whom the Holy See ventured to excommunicate—the interdict of John XXII. and Clement VI. the last experiment upon the endurance of the Germanic constituency. The arcana of the papal pretensions had been laid bare at the precise moment when they reached the maximum of extravagance; and the whole principle of defence for which the Hohenstauffen dynasty had fought and perished was recognised and adopted into the law of the land. The latest encroachment upon the imperial authority, the *pretended vicariate*, received its death-blow, and the sceptre of empire finally dropped from the hands of the pontiffs of Avignon. These encroachments, how-

His services.

[u] Conf. chap. vi. p. 226; chap. vii. p. 321 of this vol.

[v] Louis died on the 11th of October 1347.

ever, had been of late much more of a political than an ecclesiastical character. The court of Avignon was rather an instrument in the hands of the ambitious kings of France, worked for their own selfish purposes, than a self-acting power. The perpetuation of discord among their neighbours was an essential element in the dishonest and deceptive policy of the French court, and with that intent the spiritual power was put in motion in a form which effectually startled the secular powers from the lethargy into which they had been lulled by the combined influence of internal discord and religious prepossession.

But the imperial crown, the solemn coronation and unction at Rome, were still the objects of supreme ambition to the Germanic Cæsars. The new emperor, Charles IV. of Luxemburg, did not hesitate to earn these envied distinctions by the most abject professions of obedience and vassalage to the Holy See. He was graciously permitted, though under the most humiliating conditions, to pay a hurried visit to the holy city, and was crowned by commission from Clement VI. in the church of St. Peter. But from the moment of his return to his native realm no further notice occurs of his professed vassalage to the Holy See. From this point of time we trace a change both in direction and character in the history of the empire. The questions had arisen in full force : 1st, What were the legal limits of the imperial powers with reference to the electors and the constituency of the empire ; and 2dly, What steps should be taken to ascertain and determine the reciprocal rights of the estates themselves, with a view to place the maintenance of the public peace upon a more certain and stable basis than that upon which it had hitherto rested. Though still impeded by a thousand opposing interests and jarring pretensions, the necessity for some kind of settlement of these vital questions was so universal, that the emperor was encouraged to convoke a general diet of the realm at Metz. The principal points to be determined were discussed and adopted at a previous

Charles IV. (of Luxemburg) emperor.

The diet of Metz.

council of electors, spiritual and temporal. The resolutions of this body were then presented to the diet for approval. The assembly was brilliantly attended,[w] and apparently harmonious. The resolutions were unanimously enacted, and embodied in a solemn instrument sealed with the golden seal of the empire, and delivered to the arch-chancellor of the empire, the Archbishop of Maintz, for custody and publication.

The Golden Bull. Emancipation of the empire.

In the subject-matter of the *Golden Bull*[x] we are interested in a single point of view. Even a superficial perusal of this important act of the Germanic legislature must convince us that it was passed without the remotest reference to the pretensions of the papacy. The Pope claimed an initiative in the nomination of the candidate for the crown; the estates vested all initiatory proceedings absolutely and exclusively in the prime arch-chancellor of the empire: the Pope contended that the validity of the election and the capacity to exercise the imperial powers resulted exclusively from his previous confirmation and approval; the diet vested both these prerogatives in the electors without reference to any foreign interference, spiritual or temporal: the court of Avignon claimed a right to depose and punish the supreme officer—the prime arch-chancellor of the empire[y]—for any imputed contempt of the instructions, or disregard of the interests of the Holy See; the diet of Metz clothed him with the unqualified right to declare a vacancy, and to convoke the electors for the appointment of a successor, without noticing any external interference or control. The statutes of Frankfort, on which the whole merit of the reign of the late emperor Louis IV. is grounded, and the emphatic repudiation of the encroachments of the Holy See on the liberties of the estates of the empire, were declared to be, as theretofore, the law of the land;

[w] It was attended by ambassadors of the king of England (Ed. III.); a papal legate was present; and the regent (now the dauphin) of France in person represented the king (John), still a prisoner in England, as vassal of the empire.

[x] So called from the golden seal by which it was authenticated.

[y] Archbishop of Maintz, primate of all Germany.

and the Golden Bull confirms them by the adoption of precautions which secure their execution for all future times. The Germanic empire, though still for ages to come exposed in many respects to the influences and intrigues of the great spiritual monarch, had shaken off the manacles which had hitherto arrested political progress, fostered public discords and animosities, and operated more than any other cause to prevent the consolidation of the government, and in the end to produce that permanent dismemberment of the territory of the empire equally prejudicial to the public welfare and the political stability of that great and meritorious member of the European community.[z]

[z] The weakening of the central power was and had been from the earliest ages the constant object of papal policy, thus affording innumerable opportunities to the more powerful subjects to snatch at and secure to themselves sovereign prerogatives within their own domains. If the court of Rome could have had its own way, every nation subject to its influence would have shared the fate of the empire. Boniface VIII. did not hesitate to declare that divisions and discord in the world were Rome's opportunity.

CHAPTER X.

EXILE OF THE PAPACY.

State of France at the death of Philip Le Bel—Succession—Government of John XXII.; his superstition—The Puritan Franciscans; their heresy—Persecution of the Puritans—Insurrection of the Pastoureaux—Massacre of the Jews—Destruction of the Pastoureaux—Conspiracy of the Lepers—Indiscriminate persecution—Warfare of John XXII. against the Puritan reformers; he falls under suspicion of heresy—Character of John XXII.—Pope Benedict XII. and Philip VI. of France—Benedict XII. in the affairs of England—Clement VI. the slave of France—Acquisition of Avignon, &c. by the Holy See—Extension of the Inquisition to the whole of France—Innocent VI.—Papal mediation between France and England—Battle of Poitiers—The Free Companies—Urban V. and the Flemish marriage—The French army paid by the plunder of the Pope—Successes of Cardinal Albornoz; dissatisfaction in the Court of Avignon—Urban V. returns to Rome—Operations of Cardinal Albornoz in the estate of the Church—Condition of the estate of the Church—Measures for the public safety—Rienzi's failure—Albornoz recovers the patrimony of the Holy See—Restoration and downfal of Rienzi—Government of Albornoz—Return of Urban V. to Rome—Subserviency of the Emperor Charles IV. to the Holy See—Uneasy position of Urban V. at Rome; his remoteness from the arena of political action—Urban V. returns to Avignon—Election of Gregory XI.—Persecution—Gregory XI. returns to Rome—Election of Urban VI.—Discontent of the French party in the conclave—Adverse election of Clement VII.—Character of the election of Clement VII.; he retires to Avignon—The great schism—State of the public mind at the commencement of the schism—Its first effects upon the state of public opinion.

State of France at the death of Philip le Bel. Succession.

Philip le Bel had died in the year 1314, and was followed in succession by his three sons: Louis X. surnamed Le Hutin, Philip V. le Long, and Charles IV. le Bel. The first of these princes (Louis X.) died on the 5th of June 1316; and Philip V. assumed the crown to the exclusion of Johanna the only surviving issue of his brother Louis, by virtue of a fiction of law which was presumed to exclude females from the succession.[a] Philip V. him-

[a] *M. Sismondi* (Histoire de France, tom. ix. p. 346) denies the validity of the so-called Salic law, and maintains that the title of Johanna was defeated rather by the absence of precedent in the succession of the kings of France than by any positive law or custom hostile to succession in the female line.

self reigned little more than five years; and at his death, in 1322, bequeathed the throne to his younger brother Charles IV., the last surviving son of Philip le Bel (IV.). Charles IV. occupied the throne rather more than six years;[b] dying without male issue born. The regency of the kingdom devolved upon Philip, son of Charles of Valois, a brother of Philip le Bel, pending the delivery of the queen of Charles IV., whom he left pregnant. The infant when born proved to be a female. Philip VI. mounted the throne without opposition; thus defeating the claims of the female descendants of Philip le Bel and his sons.[c]

Government of John XXII.: his superstition.

The childish levity and inordinate love of pleasure of these princes enabled pope John XXII. to assume a tone and a demeanour towards the court, resembling rather those of a pedagogue than of a spiritual guide. He indulged in a free, if not an acrimonious, scrutiny of their private morals and public demeanour. He interfered with the air of a master to adjust the personal quarrels of the princes of the blood.[d] His measures for the purification of the clergy, the punishment of false coiners, and the reformation of the universities of the kingdom, have been already adverted to.[e] But these measures, as well as the revolutionary changes he introduced into the status of the Gallic hierarchy, were favoured not less by the weakness and frivolity of the reigning princes than by the anxiety of both courts to perpetuate the residence of the papacy within reach of the French court. Under these circumstances both parties were disposed to indulge each other in many matters which would otherwise have awakened jealousy and suspicion. John XXII. felt himself at liberty to follow the bent of his own notions of government without fear of external

[b] He died on the 1st February 1328.

[c] The court of England ignored the so-called "Salic law;" hence the title to the crown of France set up by Edward III. in opposition to the house of Valois. He claimed in right of Isabella, a daughter of Philip le Bel, and sister of the three succeeding kings. His title, however, was open to serious, if not fatal, objections, even upon the general law of succession, as applicable to failures of the male line.

[d] *Rayn.* an. 1317, p. 40.

[e] Chap. ix. pp. 397, 398.

interference. His erudition, though superior to that of most theologians of his age, was tinctured with a grotesque pedantry and superstition. His profound faith in the malignant influences of magic and witchcraft, his terror of poisoners and enchanters, and his apprehension of plot against his own life from their malefic influences, drove him to an indiscriminate persecution of all whom he suspected of the like practices.[f] The court of Avignon was at the moment disturbed by bitter dissension between the Italian and Gallic parties in the sacred college, which kept alive a perpetual apprehension of conspiracies against the life of the reigning pontiff and his supporters. Sorcery was the reputed machinery for their destruction; and all who fell under suspicion were hurried off to the rack, and thence to the stake, with little or no form of trial. It may, however, be observed in explanation, if not in extenuation, of these executions, that a large majority both of the learned and unlearned of the age fully participated in the alarm of the Pope. The pedantic formalism of the schools was gratified by a new topic of idle speculation; and the theory of sorcery and magic was exalted to the dignity of a scientific scheme for the destruction of the happiness of man in this world, and his eternal ruin in the world to come.

The puritan Franciscans: their heresy.

Another source of uneasiness to the pontiff and court of Avignon sprang from the inveterate rivalry of the Dominican and Franciscan orders. These fraternities, when not engaged in the meritorious work of persecution, indulged in a variety of puerile and fantastic disputes and criminations, which greatly perplexed the papal court. Prior to the year 1317 a large section of the Franciscan or Minorite fraternity had adopted an extreme opinion with respect to the dogma of primitive poverty as pre-

[f] Among the many victims of papal superstition, the case of Hugo Geraldi, bishop of Cahors, a favourite of the preceding pontiff Clement V., is the most conspicuous. *Raynaldi* (an. 1317, pp. 72, 73) enumerates and describes with ludicrous solemnity the various magic arts resorted to by the supposed delinquent, and his accomplices. They differ very little from the stereotyped formulæ of witchcraft and sorcery current in the subsequent ages.

scribed by their founder, Francis of Assisi. They contended that the patriarch of the order had taken the example of Christ and his apostles as the standard of meritorious poverty and self-negation; a pattern which excluded the possession of everything they could call their own, even to the food by which their bodies were nourished. A vivid perception of the contrast between the actual practice and habits of the fraternity and the precepts of the founder had taken possession of the less opulent communities of the order, and thence spread so rapidly as to excite the alarm of the wealthier majority. Such an opinion could not but sound offensively to a court and hierarchy revelling in wealth and luxury, and ever anxious to increase its store of worldly possessions. Still more offensive, perhaps, was the vaunted pretensions of the reforming party to superior purity of life and conversation; a claim in a great degree sanctioned by their daily practice. Multitudes of the laity accordingly withdrew from their accustomed spiritual directors, and flocked to the puritan confessionals. So radical a principle might well sound as the harbinger of revolution; implying, as was the fact, a strong protest against the vast accumulation of wealth in the hands of the monastic bodies; an opinion which, in the contemplation of the hierarchs and canonists of the day, amounted to little short of heresy.

Persecution of the puritans.

Pope John XXII. was incapable of holding a just balance between the puritans and their antagonists. With the arrogance and impetuosity of one possessed with unbounded reliance on his own superior learning and discrimination, he seized that particular view of every subject which harmonised with some foregone conclusion of his own, and plunged into the controversy with the zeal of an advocate rather than the dignity of a judge. So bold an attack upon the sacred rights of sacerdotal property—so public a condemnation of the moral practice of the clergy—so insulting a pretension to superior purity—swelled in his intemperate imagination to the magnitude of heresy, and numbers of the impenitent enthusiasts were hurried to

the stake with no more formality or mercy than that which was shown to sorcerers and magicians.[g] But the superstitious and cruel sciolist was as little qualified for the office of mediator or peacemaker in political as in ecclesiastical controversy. The heedless and pleasure-loving Philip V. of France bore the papal interferences in public affairs with the like indifference with which he listened to his censures upon his personal habits.[h] The dissipated monarch and tyrannous aristocracy of France cared little for changes and reforms which did not interfere with their accustomed pursuits and indulgences.

Insurrection of the Pastoureaux.

The picture which history presents of the sufferings of the people of France at this period is appalling. The citizen and the peasant were perishing under the pressure of unlimited extortion, adulteration of the coinage, and incessant demands on their labour and their blood. In the year 1320 the feverish irritation attributable to these accumulated wrongs manifested itself in an outbreak of popular fanaticism, of which the preceding ages had furnished more than one example. A vagrant priest and a houseless monk persuaded masses of the ignorant and superstitious peasantry, already prepared for any expedient that promised a change in their outward position, that the recovery of Palestine and the deliverance of the holy sepulchre was reserved for the "poor in spirit"—for the needy, the oppressed, the forlorn denizens of this world. "The sacred enterprise," said they, "which has baffled the wisdom of the wise, the prayers of the church, and the arms of the rich and the powerful, is reserved for the poor and the needy; for the shepherd and the labourer, the humble and the ignorant of the earth." The infection spread like the fire of the savanna; the fields were deserted; labour was abandoned,

[g] *Raynaldi* (ad an. 1317, pp. 74-77) endeavours to clear the Franciscan order from the charge of engendering the presumed heresy, by confounding the puritans with the erratic sects of reputed heretics known by the names of Beguins, Beguards, Apostolici, &c. which swarmed in France and Italy. *Sismondi* (Hist. de Fr. tom. xi. p. 359) successfully distinguishes the Franciscan puritans from the vagrant sinners with whom Raynaldi, not without some tincture of truth, identifies them. Conf. chap. ix. p. 41, note *b*.

[h] See *Raynald.* ad an. 1317, p. 40.

untold multitudes flocked from all parts of the kingdom to the standard of the "Shepherds;" the whole country—the cities and towns, Paris not excepted—soon became the scene of murder, license, and plunder. No public force was at hand to encounter the numberless adventurers rendered desperate by disappointment and want. From the capital to the Pyrenees the so-called "Pastoureaux" overspread and devastated the finest provinces of the kingdom. The magnates and nobility satisfied themselves with watching the devastating swarm at a timid distance; while the latter displayed their zeal for the cause of the Saviour by an indiscriminate massacre of the Jews. Such was the public panic that not a hand was raised for the defence of the victims. Revenge, indeed, might brood in the bosoms of the governors; but compassion had no place there. Pope John himself seized the occasion to launch forth fresh denunciations against the devoted race.[i]

Massacre of the Jews.

The several detachments of the Pastoureaux — or as many as had not previously perished by famine, or fallen victims to their own excesses— at length congregated in the delta of the Rhone, hoping to find ships at the port of Aigues Mortes to convey them to the Holy Land. Here they perished by thousands from want and the pestilential miasma of that unwholesome region; the remnant was hunted down and slaughtered without mercy by the armed bodies which had hitherto hovered round them without venturing to attack them till every chance of effectual resistance had vanished. The simple credulity and ferocity of the unfortunate Pastoureaux was but a symptom of the moral distemper which affected all

Destruction of the Pastoureaux. Conspiracy of the lepers.

[i] On the 22d of August 1320 he addressed a precept to all the prelates of the kingdom, urging them "to dry up the source of the detestable blasphemies and perfidy of the Jews;" and with that view, to seize and burn every copy of the Talmud they could lay their hands upon. Associating Jews with magicians and sorcerers, he directed the inquisition of Carcassonne to proceed against both with equal severity. At the same time he enlarged their powers; he instructed them minutely in all the indicia of magic and diabolical commerce, and described the ceremonies with which the infernal powers were invoked and brought into action. *Raynald.* an. 1320.

classes alike. It appears that the disease of leprosy had of late years made alarming advances in the southern provinces. The malady was engendered or aggravated by the poverty, privations, and depression of spirits, especially among the labouring classes, resulting from systematic oppression and ill-usage. Leprosy had always been believed to be in the highest degree both infectious and contagious. Persons afflicted with any kind of cutaneous disorder were regarded as lepers, and confined in unwholesome lazarettos built for their seclusion in the suburbs or outskirts of almost every town in the south of France. Festering in their noisome prisons, shut out from human companionship and sympathy, it may be easily believed that the vindictive and malignant feeling thus inspired should have vented itself in execrations and menaces likely enough to produce a corresponding sentiment of fear and hatred in the heart of an ignorant and superstitious populace. The rumour of a general conspiracy of the lepers, in concert with Jews and heretics of all descriptions, to poison the rivers and wells for the destruction of the Christian population, penetrated to the court, where it met with equally ready credence. The unhappy and helpless beings were, with inconceivable absurdity, reported to have held deliberative assemblies, attended by deputies from all the lazar-houses in Europe, to concoct, in concert with Jews, infidels, and heretics, a poisonous elixir to be infused into the public fountains and rivers, of so deadly a nature as to destroy the life of all who should partake of, or cook with, the medicated water. In a paroxysm of alarm at this wild and improbable fiction, Philip V. directed the magistracy throughout the kingdom to make search for and to punish the supposed conspirators with the utmost severity. These officers set about the work of blood with wonderful alacrity. The wretched victims were dragged from their unwholesome retreats, and under the torture of their already diseased flesh, made to confess anything and everything their tormentors desired. The terrible plot

was thus satisfactorily unravelled; they had been seduced by the Jews to poison rivers and fountains; they had been carefully instructed in the preparation of a subtle and self-diffusing indestructible poison which should hopelessly destroy the life of all who might partake of the waters thus infected; this diabolical plot had been concocted in concert with all the lazar-houses in the kingdom, and at the instigation of the professed enemies of the Christian religion and people: here was enough to quiet the consciences of the judges, and to justify the wholesale massacre of beings already labouring under the ban of society. The hapless Jews could not of course escape the fate of their reputed accomplices. One hundred and sixty Jews of both sexes were publicly burnt in one great furnace, at the castle of Chinon, in Touraine, and Philip collected the magnificent sum of 150,000 livres from their forfeited property.[j]

Indiscriminate persecution.

The death of Philip V. (le long) in 1322 raised his only surviving brother Charles IV. to the throne. The good understanding between the profligate court and the pontiff of Avignon remained uninterrupted; and king Charles found no difficulty in procuring a divorce from his first wife, with a dispensation for his marriage with Mary of Luxemburg, a daughter of the emperor Henry VII., and sister of John king of Bohemia, the fast friend and ally of the court of France.[k] We may without danger of error trace the moral condition of the people and clergy of France at this period to the intimate connection subsisting between the spiritual and secular powers of the kingdom. The daily aspect of the follies and cruelties practised under the sanction of religion or superstition

[j] *Raynaldi* (an. 1321, p. 177) insinuates that Saracens as well as Jews were implicated in this notable conspiracy; but he writes as if ashamed of the whole affair, and disposes of it in a single sentence. The principal authorities for this cruel and disgusting transaction are the *Contin. Chron. Nangii*, ap. Hist. de Fr. tom. xx. pp. 628, 629; and the *Chron. de S. Denys*, ibid. pp. 704, 705. Neither of these writers appear to doubt the reality of the plot.

[k] *Raynald.* an. 1322, p. 192. Mary of Luxemburg stood in the fourth canonical degree of consanguinity with Charles IV.

had inured the public mind to scenes of violence and bloodshed. Pope John XXII. took the lead in this demoralising process. His haughty temper was irritated almost to madness by the obstinate persistence of the reformed Franciscans in their opposition to the acquisition of worldly goods by the ministers and servants of the church. With the disingenuous craft which enters so materially into the spirit of persecution, he confounded the enthusiastic Minorites with the large class of condemned heretics known by the names of Beguins, Beguards, Albigenses, Dulcinians, Fraticelli, &c. The prosecutors of these unfortunate zealots connected them with another proscribed and hateful class of criminals. The papal inquisitors received instructions to proceed simultaneously against the Minorite dissenters and the dreaded swarm of magicians and sorcerers. The Pope himself encouraged by every means in his power the belief in sorcery and witchcraft,[1] and remarked with ignorant surprise, that, instead of stimulating the public abhorrence, he had awakened a criminal inclination to experimentalise in the forbidden practices. Both classes of delinquents, however, suffered alike under the merciless hands of the inquisitors; and hundreds of puritans and reputed dabblers in the black art suffered, so to speak, at the same stake.[m]

The transactions in Germany alluded to in the preceding chapter[n] show clearly enough that pope John XXII. was unsuccessful in suppressing the opinions of the puritan party in the church. The doctrine of "absolute poverty" tended obviously to shake the hold of the hierarchy upon their vast accumulations, and to direct the attention of a small but dangerous class of thinkers to the enormous disproportion between the services ren-

Warfare of John XXII. against the puritan reformers. He falls under suspicion of heresy.

[1] See the two bulls of the year 1327, in which he describes with pedantic minuteness the whole apparatus and process of malignant sorcery; as a *vade-mecum* for the witch-finders of the Inquisition. *Raynald.* an. 1327, pp. 357, 358.

[m] The principal authorities for the incidents in the above paragraph are (besides *Raynaldi* as above quoted), *Gior. Villani*, Murat. tom. ix. c. 155, p. 517; *Bern. Guidonis* Vita Johan. XXII.; the *Contin. Nangii*, ap. D. Bouguet, Hist. de France, and the *Chron. de S. Denys*, ibid.

[n] P. 419 of this vol.

dered and the price paid for them. Such men as Marsilius of Padua and William of Occam were beyond danger from the sciolism of pope John; and happily out of the reach of his inquisitors. Under the patronage of the emperor Louis IV. of Germany, and by favour of that slow but enduring fermentation of the public mind characteristic of the Germanic race, the pointed truths which fell from the lips of these reformers could not fail to leave their sting behind them, and to expose to future generations the vulnerable points of the scheme of religious domination to which the world had so long and so patiently submitted. But pope John in the latter years of his pontificate encountered a buffet which threatened to fling him into the caldron of heresy with the other ingredients of that miscellaneous brewage. Michael de Cesena, the general of the Franciscans, was accused and condemned for participation in the heresy of "absolute poverty." The order, however, took up his defence with spirit and success. They boldly retorted the charge of heresy upon the Pope himself. But the "tu quoque" might have done no serious mischief, if the latter had not stepped beyond his depth in running a tilt against a general opinion of the churchmen regarding the state of human souls after death. The universities—and more zealously than the rest the university of Paris—maintained that the souls of the just were instantly admitted to the "beatific vision" in the presence of the Almighty. The Pope, however, thought fit to postpone the blessed period to the day of judgment, when all should receive their doom according to their merits. The Sorbonne did not hesitate to pronounce the Pope a heretic, if he should impenitently persist in the impious opinion. John himself became quickly sensible of the danger of dogmatising against a doctrine patronised by the learned and powerful realist divines to whom the church and the public were likely to lend far too ready an ear. He consequently retraced his steps. He protested that he had never desired to impugn an established dogma, but simply to try a doubtful question by the tests of reason

and argument, and to enable the church to come to a decision upon a matter which after all might suggest certain misgivings in the minds of the faithful. Though this false step produced no further inconvenience, the retractation could not fail to be damaging to the dogmatic prëeminence of the Holy See. And when, about the same time, Michael de Cesena, in the defence of his order, impeached the infallibility of the popes in matters of doctrine, and denounced the religious despotism to which they had gradually exalted themselves, we behold the papacy assailed at one and the same time by the theological schools and the mendicant orders, formerly its most serviceable and devoted subjects.[o]

Character of John XXII.

There were, however, other and equally active elements of decay at work in the papal scheme. The pontiff of Avignon no longer stood forth as the father of Christendom, the arbiter of the faith, the censor of princes, the source of all power, civil and spiritual, the god upon earth. The proud attributions of Innocent III.[p] had withered away under the pressure of political dependence, boundless corruption, and unprincipled intrigue. Pope John had in his own person exhibited a model of unconscientious venality.[q] Neither age nor infirmity could quench the love of money in the heart of the devoted pupil of mammon; and when at the age of ninety years he quitted the scene of his unprofitable labours, he left his church and court a prey to the abuses of which he had in himself presented so notable an example.[r] His religion or superstition,

[o] *Raynald.* an. 1331, p. 523; id. an. 1334, p. 15 et sqq. Conf. *Sismondi*, Hist. de Fr. tom. x. pp. 61, 62. The controversy may be found at large in the above-quoted passages from Raynaldi.

[p] Conf. ch. i. of this vol. pp. 1 to 7.

[q] *Villani* (ap. Mur. Ss. Rr. Ital. tom. xiii. p. 765) assures us that he was informed by his own brother, the papal banker, that the treasures of John XXII. at his death amounted to the enormous sum of 300 million of livres. This treasure had been amassed by various devices familiar to the papal court, but principally by a trick of leaving the churches unprovided for indefinite periods, for the sake of the revenues derived from them during vacancy. *First-fruits* afforded a fertile source of gain. Each promotion was so contrived as to create five or six vacancies, and in this way to convey into the papal treasury five or six years' first-fruits. *Nangii*, Cont. ap. Historians de Fr. tom. xx.

[r] John XXII. died on the 4th December 1334. He had nearly completed his ninetieth year.

however, took fright at the charge of heresy. At the close of his career he heard with unfeigned alarm that the cardinal Napoleone Orsini,[s] supported by the emperor Louis IV. and a party among the German prelacy, was actively engaged in assembling a council with the express design of denouncing him to the church and the world as a heretic; and at the approach of death he purged his reputation by an ample submission of his own judgment on the "beatific vision" to that of the Catholic church.[t]

Pope Benedict XII. and Philip VI. of France.

After the death of pope John XXII. the customary intrigues to protract the conclave for the chances they afforded to individual ambition led to an unexpected result. Each member of the sacred college named the person whom he thought least likely to be agreeable to the rest. That special qualification was found in the person of cardinal Jacques Fournier de Saverdun; and the conclave found to their consternation that they had unanimously nominated one whom no one among them intended to befriend. Jacques Fournier, notwithstanding, ascended the throne by the name of Benedict XII.[u] The first measures of the new pope confirmed the regrets of the French party for the error they had committed. Pope Benedict devoutly contemplated the emancipation of the Holy See from the yoke of the court of France. His hopes rested upon an improved understanding with the emperor Louis IV., and the reconciliation of that prince with the Holy See on equitable terms.[v] How those hopes were defeated has been already mentioned. With the honest intention to serve at once the interests of peace and of his church, Benedict XII. found himself hopelessly involved in the vortex of French intrigue, and condemned to lend his countenance to the fraudulent policy of Philip VI. and the Gallic members of the sacred college. Every pro-

[s] The leader of the Italian faction in the sacred college.

[t] *Raynald.* an. 1334, § 28 and 31, pp. 13. 14.

[u] *Villani*, ubi sup. p. 766; *Contin. Nangii*, Hist. de Fr. tom. xx.; *Hist. de Languedoc*, liv. xxx. p. 215; *Raynald.* an. 1334, pp. 1-4.

[v] Conf. chap. ix. pp. 417 et sqq. of this vol.

spect of liberty and peace was despondingly abandoned; while a fresh source of uneasiness and difficulty was laid open by the pecuniary demands of the court of France. Philip VI. had indeed taken the cross with a vast display of zeal. Benedict himself was devoutly bent upon a crusade for the deliverance of the Armenian Christians from the yoke of the Turks; yet it soon became apparent that the possession of the treasure accumulated by the late pope lay nearer to the affections of the French monarch than the interests of religion, or the relief of the oriental Christians. It was accordingly intimated to the pontiff that as the funds in his hands had been the produce of the offerings of the faithful for that sacred purpose, they ought now to be placed at the disposal of the king for the promotion of the contemplated expedition. Benedict XII. was at no loss for an answer to this impudent demand. He acknowledged that such an application of the money was unexceptionable; and he promised that as soon as the preparations for the campaign should be complete, and the army should have set forward on the expedition, the funds for its support and supply should be forthcoming. But the test of the king's sincerity was too severe; and Philip VI. abandoned a purpose he had never intended to fulfil with the indifference to truth and good faith so conspicuous in the policy of the French court since the age of Philip le Bel.[w]

Benedict XII. died on the 26th of April 1342.[x] His intentions were generally pure and upright, but his position was powerless for good. His measures for the reformation of the monastic orders were productive of no sensible improvement in temper or moral habit; his external policy was wholly directed by the court of France. The temporary alliance between the emperor Louis IV. and king Edward III. of England had stimulated the animosity of the French monarch against his island foe; and the reluctant pontiff was compelled to issue a for-

Benedict XII. in the affairs of England.

[w] *Raynald.* an. 1336, p. 35.

[x] Having reigned seven years four months and five days. *Art de vér.* &c.

mal denunciation of the wrath of the church against the British monarch, unless he should forthwith renounce all commerce or intercourse with the excommunicated heretic and usurper Louis of Bavaria.[y] The value of these simulated thunders was by this time pretty well understood by the English monarch; and although the treacherous policy of the French court was for the moment successful in disturbing the peace of the empire and embittering the latter days of Louis of Bavaria, Edward III. was not deterred from exacting ample retribution for the long series of wrongs the house of Plantagenet had to allege against the French king and his predecessors. In all the transactions springing out of the rivalry between the two nations the court of Avignon stood forth as the passive agent of French intrigue; and it may be doubted whether at any period of papal history the political influence of the pontiffs had fallen to so low an ebb in both countries.

Clement VI. the slave of France.

The demise of Benedict XII. raised Peter Roger, archbishop of Rouen, to the papal throne, by the name of Clement VI. The new pontiff was notoriously the nominee of the French court; and in that character professed unbounded subserviency to his patrons. The prostration of Bertrand de Goth at the feet of Philip le Bel exhibited a prophetic picture of the prostration of the papacy at the feet of his successors.[z] While Philip VI. was busy suppressing an insurrection of his Flemish subjects, pope Clement was no less assiduous in brandishing the spiritual sword against the enemies of France. He maintained, however, the pastoral character of the Holy See by an ostensible zeal for peace and good-will among Christian princes and people; and to that end put himself forward as the mediator of an accommodation be-

[y] *Raynald.* an. 1339, pp. 160-163. Edward III. was invested by the emperor with vicarial powers in the Flemish provinces of the empire, and had availed himself of them as the basis of his military operations against France in combination with his imperial ally. For the result conf. chap. ix. p. 418 of this vol.

[z] Conf. chap. viii. pp. 360, 361 of this vol.; and conf. *Raynald.* ad an. 1342.

tween his exasperated Flemish subjects and their sovereign. The Flemings rejected the conditions of pardon held out to them with contempt, and the papal legate pronounced against them the anathema of the church, stigmatising their revolt against their sovereign as a renunciation of their allegiance to God himself in the person of his temporal representative. Though Edward III. had been guilty of far more culpable offences against the Holy See, it was by this time clear to demonstration that the stout heart of the English monarch was proof against the fiercest assault of the spiritual sword. The Pope had rather reason to fear that, like the favourite weapon of the native Australian, his censures might recoil to wound the hand that hurled them.[a] But Clement VI. was careful to keep up the semblance of pastoral authority; and accordingly thought it expedient that the rumbling of the pontifical thunder should not be allowed to die away altogether. A sweeping anathema was therefore, with praiseworthy impartiality, proclaimed against all Christian princes and potentates who, after that admonition, should not desist from mutual slaughter, or refuse to turn their arms against the enemies of the Christian faith.[b] But all belief in a mission of peace committed to the hands of a pontiff of Avignon was extinct. Almost simultaneously with this denunciation, Edward III. asserted his title to the throne of France against the "usurper" Philip of Valois, and pushed forward his warlike preparations with renewed activity. The practical commentary followed; the landing in France, the battle of Crecy, and the fall of Calais, threw pope Clement back upon his proper mediatorial character; and

[a] The clandestine introduction of papal bulls into England had since the days of Edward I. been prohibited on pain of death; and the reigning prince had caused it to be executed on several persons detected in the fact. The aversion of Parliament and people from the papal collectors of annates, provisions, reservations, &c. supported the king in his warfare against these and other abuses of the court of Avignon, and enabled him to maintain the prerogative of his crown in the election of bishops and abbots. See the writer's "Position and Prospects of the Protestant Churches," &c. pp. 65-67; see also *Raynald.* an. 1342.

[b] *Raynald.* an. 1342, p. 295. The Turks were at that period making notorious progress against the Oriental churches and people, more especially against the Armenians.

he became—ostensibly at least—the intercessor between the rival monarchs for a time, upon the basis of the "uti possidetis," whereby a respite of ten months from mutual bloodshed was obtained for the harassed and devastated scene of warfare.

Acquisition of Avignon, &c. by the Holy See.

Amid this scene of public calamity, the pontificate of Clement VI. was not barren of advantage to the Holy See. Joan, countess of Provence and queen of Naples, was charged with the murder of her husband Andrew of Hungary, and with a hurried and indecent marriage with her cousin Louis of Tarento. The brother of the murdered prince, Louis king of Hungary, undertook to avenge the crime; he invaded the kingdom of Naples, and compelled the queen and her consort to fly for refuge to her patrimonial inheritance, the county of Provence.[c] In the first flush of indignation at the imputed crime, Clement VI. took in hand the prosecution of the delinquents. But his zeal for the interests of justice soon yielded to the advantage the Holy See might derive from the fears or the necessities of the supposed criminals. The reluctant surrender of Provence by Gregory IX. to count Raymond VII. of Toulouse might not have been forgotten by the papal court.[d] Avignon had now been for the space of forty-two years the residence of the successors of Clement V. with governing powers, in all but the name, independent of the country in which the city and territory were included. The tenure, however, was ungenial and unsafe as long as the right of the proprietor of the fee was not extinguished; in other words, as long as the residence of the Holy See was not made to partake of the sacred and indefeasible character of church estate in general. A negotiation was accordingly set on foot for that purpose. Joan and her hus-

[c] The Provence was an independent fief lying within the Arelatensian kingdom, and a reputed portion or appendage of the empire, though it had long since ceased to acknowledge more than a nominal allegiance to the distant and chaotic court of Germany. Joan was the descendant in the fifth degree from Charles of Anjou, the conqueror of Naples, and his wife the daughter of Raymond VII. of Toulouse, the assassin of the last of the Hohenstauffen race. Conf. chap. iii. pp. 105-108 of this vol.; see also *Art de vérif.* &c. tom. ii. p. 441.

[d] Conf. chap. iv. p. 130 of this vol.

band embraced the proposal; and the city and territory of Avignon, together with the adjacent districts of the Venaissin and Forcalquier, were conveyed to the Holy See in fee, in consideration of the sum of 30,000 florins transferred from the papal treasury to the coffers of the needy sellers. Pending the negotiation, all thought of the further prosecution of the criminal suit had of course been abandoned; and Joan and her husband had been permitted to purge themselves solemnly from the crime laid to their charge. As soon, therefore, as the deed of sale was executed, they were formally acquitted. Louis of Tarento, as the husband of the lawful sovereign, was crowned king of Naples by the Pope, and the purified culprits were dismissed with the pontifical blessing, to resume possession of their Italian inheritance.[e] The deed of sale was soon afterwards confirmed by the emperor Charles IV. on behalf of the Arelatian kingdom, now little more than a nominal appendage of the imperial crown.[f]

Extension of the inquisition to the whole of France.

The renewal of the desolating war with England afforded opportunities to the papacy for the extension of its influence, which were, however, lost by the abject devotion of the Pope to the views and interests of the court of France. The mediation of a power so disposed could be regarded in no other light than as a device to throw the odium of the rejection of peaceful councils upon the recusant party. But Edward III. suffered little from a repudiation which, under other circumstances, might have been attended with serious inconveniences. Clement VI. had in fact thrown himself into the arms of the court; and in 1351 made twelve new cardinals, nine of whom were Frenchmen; in return for which

[e] *Villani*, ap. *Murat.* Ss. Rr. Ital. tom. xiii. p. 24. *Giannoni* (Storia di Nap. lib. xxiii. ch. i.) appears to doubt the guilt of Queen Joan, and apparently discharges Louis of Tarento of complicity in the murder of Andrew of Hungary. The case of Joan of Naples offers a remarkable parallel to that of Mary Stuart. In both the husbands came by their death by well-known hands; in both the real perpetrators went unpunished; and the two queens married again so shortly after the assassination of their respective husbands as to throw a strong suspicion both upon them and their consorts.

[f] *Raynald.* an. 1348, p. 464.

complaisance king John (who in the interim had succeeded his father Philip VI.) placed the whole kingdom under the jurisdiction of the Inquisition, thus depriving the remnants of the protesting sects of their last refuge within the realm of France.[g]

Innocent VI.

The death of the dissipated and time-serving worldling Clement VI. opened a new phase in the history of the papacy.[h] The great majority of the sacred college were indeed of French extraction. The sacerdotal spirit, however, had been deeply wounded by the state of abject dependence upon the secular power to which the late pope had reduced them. It was therefore resolved to proceed to the election of a successor before the court should have time to interfere. They moreover exacted a solemn oath from each member of the sacred college, that, if elected, he would not increase the body of cardinals beyond the number of twenty. On the 28th of December 1352, they accordingly elected Stephen Alberti, cardinal bishop of Ostia, who took the name of Innocent VI. The new pontiff, however, probably with a view to strengthen his own position, flung his oath to the winds;[i] he took his stand as monarch of the church, and plunged headlong into the vortex of political affairs, with a view to render the spiritual power available towards a profitable termination of the calamities which weighed with equal pressure upon church and state.

Papal mediation between France and England.

But the court of France was, as heretofore, still the fulcrum of papal power. The alliance of that court was a vital point in the policy of the Holy See; and the weakness resulting from the multifarious disorders which afflicted the kingdom suggested an alarming prognostic of the cala-

[g] Hitherto the provinces of Maine, Touraine, and Anjou had escaped the inquisitorial incubus. These provinces were now included in the general domain of the holy office; and the few heretics who had taken refuge within the hitherto excepted districts were abandoned to the tender mercies of the court of Avignon. See the bull of the 26th Sept. 1351, ap. *Raynald.* an. 1351, p. 549.

[h] Clement VI. died on the 5th Dec. 1352.

[i] He declared it to be not only unlawful to limit the prerogative of the Holy See, but a crime in any member of the sacred college to bind himself by an oath to that effect. *Raynald.* an. 1352, pp. 567, 568.

mities that were to follow. The subsisting truce with England was about to expire; a renewal of the war between the two nations was imminent; yet the court and kingdom were divided by factions, hatreds, and ambitions, which trammelled the government and weakened the resources available for the public defence. Charles, surnamed the Bad (le mauvais), king of Navarre, was, as a prince of the blood, possessed of large fiefs in France.[j] Between that prince and king John there had been a long-subsisting quarrel, which had greatly distressed the government, and given rise to dangerous commotions in the kingdom. In this state of public affairs pope Innocent VI. was impressed with the importance of an accommodation between the conflicting parties; and exhausted every means in his power to reëstablish peace and union in the kingdom. The king of Navarre and all his possessions in France had fallen into the hands of his cousin and suzerain. Charles the Bad himself was lingering in prison, in daily apprehension of the axe of the executioner. At this juncture, Edward the Black Prince, who commanded the garrison and territory of Guienne, had invaded and ravaged the central provinces of the kingdom to the banks of the Loire. The last hopes of the Pope to restore concord and prevent bloodshed were wrecked upon the shoals and quicksands which surrounded the emblematic ship of Peter. Distrusted and despised by the court of England, disregarded by the headstrong and impetuous monarch of France, the monitions and cautions of the Pope were equally thrown away upon both parties, and the calamitous defeat at Poitiers flung the kingdom into an abyss of confusion and suffering, from which no human device seemed adequate to extricate it for ages to come.[k]

Battle of Poitiers.

[j] Especially of the extensive county of Evreux in Normandy, in dangerous vicinity to the capital.

[k] For the history of these events consult *Sismondi*, Hist. de Fr. tom. x. pp. 418, 485, 592, et sqq. Conf. *Pauli*, Gesch. v. England, vol. iv. p. 433 et sqq. Cardinal Taleyrand, the emissary of Clement VI., with a wise caution disadvised active operations against the English. All that was requisite, he said, to certain success was to watch the retreating force, to cut off its resources, and to intercept its communications; it must then perish by hunger and fatigue, or surrender at discretion.

The free companies.

After the rout of Poitiers, and the captivity of king John, the dauphin Charles duke of Normandy hastened to assume the regency. A more dismal prospect than that which the kingdom presented when he succeeded to the government can hardly be imagined. He found every element of discord enhanced by the discredit which had befallen the authors and the participators of the late defeat. The kingdom had fallen a prey to numberless bands of armed marauders, which sprung from the disbanded remains of the contending armies, reinforced by the ruined and houseless gentry of the ravaged districts and their military dependents. After exhausting every source of rapine, and weary of the monotony of free quarters, the adventurers cast a longing eye upon the treasures of the court of Avignon, and the newly-acquired territories of the papal court became the arena of plunder and extortion. In this emergency, pope Innocent VI. resorted to his spiritual weapons, and called in the aid of the French government to expel the intruders. A crusade was duly published and preached against the brigands. The latter, however, held the game in their own hands; and although an imposing force was mustered under the banner of the cross, yet when the gentry and commonalty thus got together learnt that all they were to get for their labour on behalf of the court of Avignon were benedictions and indulgences, the greater number turned their backs upon the army, while the residue preferred sharing the plunder of the papal treasury with their late opponents. Pope Innocent and his court were now at their mercy; and a blackmail of 30,000 florins, together with a plenary indulgence for all crimes and offences committed or intended, was the reward of their successful industry.[1]

[1] *Villani*, cc. 27, 43, 55, pp. 645, 651, 656, ap. *Murat.* Ss. Rr. Ital. tom. xiii. See also *Froissart*, cc. 468, 469, p. 142. The marauders found for a time more profitable occupation in Italy; but in the next pontificate they made a second attempt to lay the court of Avignon under contribution, and were duly excommunicated and cursed by pope Urban V. This time, however, the crusade he published was more successful than that of his predecessor. The free companies were driven off or dispersed, and a degree of relief was afforded to the vexed communities of the south. *Vitæ Pont.* ap. *Murat.* t. iii. p. ii. p. 613.

In the year 1362 Innocent VI. was succeeded by Guilleaume Grimoard, a Benedictine monk, though at the moment of his election absent upon an embassy to Naples.[m] On his arrival, the new Pope took the name of Urban V. Though the court of Avignon had for some time past felt uneasy under the yoke of France, the hopes of the party, anxious for the return of the Holy See to its natural home, were discouraged by the thoroughly French constituency of the sacred college. In the year 1364 king John of France[n] was succeeded by his eldest son Charles, duke of Normandy (Charles V.). The new king entertained a determined purpose to rid himself of the treaty of Bretigny, by which the kingdom was dismembered, and some of its finest provinces surrendered to the national enemy. Under these circumstances the assistance of the court of Avignon might be of material service. The policy of king Edward III. pointed to the strengthening of his connection with his Flemish allies; and a treaty of marriage between his youngest son, Edmund duke of Cambridge, and Margaret heiress of Flanders, was set on foot. The danger to France from the success of the negotiation was manifest, while the advantage to be derived from its failure might be made to redound, as obviously, to the benefit of the enfeebled monarchy. A somewhat remote degree of consanguinity between the parties to the projected marriage was made the pretext for refusing the requisite dispensation. Urban V. was not in fact in a position to turn a deaf ear to the earnest and well-founded remonstrances of the French court; and the application of the English monarch was rejected. The tables were thus dexterously turned upon the latter; and when the Pope was solicited to sanction a marriage between Margaret of Flanders and prince Philip, a younger son of the late

Urban V. and the Flemish marriage.

[m] Guilleaume Grimoard was not a member of the sacred college. We do not find any recorded reason for thus travelling out of the usual course; and can only conjecture that it arose from a desire to evade foreign intervention in the conclave.

[n] He died suddenly in England on the 8th April 1364.

king John, notwithstanding a much closer degree of consanguinity between the parties than had existed in the former case, no such difficulty was started; and thus a material guarantee for the security of the northern frontiers of France against the national enemy was obtained.[o]

The French army paid by the plunder of the Pope.

But the fretting sense of dependence which for some time past had turned the eyes of the court of Avignon towards Rome was stimulated into action by the connivance, to say no worse, of the French king at an outrage which strained the heartstrings of the sacerdotium. Charles V. was anxious to increase the military force of the kingdom in anticipation of renewed hostilities with England. For this purpose he purchased the services of the free companies, and embodied them under the renowned Bertram du Guesclin at Chalons-sur-Saone, on the direct line of march to the south. Neither the leader nor his followers had overlooked the defenceless state of the papal territories, nor forgotten the advantages to be extorted from the timid and wealthy court of Avignon. The army of freebooters accordingly marched straight upon that city. Resistance was out of the question, and pope Urban V. was reduced to the harrowing necessity of disbursing the pay and requirements of the king's army out of the accumulated treasures of the Camera; besides relieving the marauders from all spiritual censures for their sins past and present.[p]

Successes of Cardinal Albornoz: dissatisfaction in the court of Avignon, &c.

But the resentment of the Pope and curia, which these impious inroads upon the sacred treasury inspired, was perhaps mitigated by the advantages they themselves were enabled to derive from the services of the sinners. The pontifical viceroy in Italy, cardinal Albornoz, had enlisted a numerous body of these freebooters under

[o] The reasons for this marriage, and the amount of territory acquired to the family of Valois, are set out with some particularity in the *Vitæ Pont.* ap. *Murat.* Ss. Rr. Ital. tom. iii. pt. ii. p. 615.

[p] The mode adopted by the Pope to reimburse himself the 100,000 livres in gold he had thus expended sounds almost ludicrous. He indemnified himself by a tenth levied upon the whole body of the *French clergy.* See *Hist. de Languedoc*, tom. iv. liv. xxxii. p. 632. Conf. *Vitæ Rom. Pont.* ap. *Murat.* ubi sup. p. 329.

the banner of the church. By their aid the cities and territories of the patrimony of St. Peter were reduced to submission, and Rome might again afford a safe asylum to the papacy. The prospect of independence once more loomed in the horizon, and with it came a strong sense of the discreditable position of the head of the Catholic church. The undisguised servitude of the spiritual to the temporal power which now for a period of more than half a century had stood in practical contradiction to the cherished traditions of Rome, was felt by the curia as the sacrifice of a vital principle of sacerdotal government; the expatriation of the Holy See was "banishment." Avignon was now the "Babylon of the west." The most distinguished patrons of Roman supremacy among the clergy; the men of letters generally—all who desired the restoration of the balance between the powers of the sword and the crozier—all who looked for deliverance from the disorders of the times, and the grinding tyranny of mediæval misgovernment, rested their hopes upon the return of the papacy to its natural domicile, and the reëstablishment of that spiritual power which—up to the period of the exile—had so frequently operated as a check upon secular tyranny.[q]

Urban V. returns to Rome.

Irritated probably by the reproaches showered on the court of Avignon from so many quarters, it struck Urban V. that the practice of non-residence, which, for their own emolument, had been encouraged to the utmost by his predecessors, was the besetting sin of the government; consequently that it was his duty to set an example of repentance, and to take up his abode among his own peculiar flock. The court of France took alarm; the French cardinals hesitated to follow their chief to his distant home; but Urban manfully encountered every obstacle thrown in his way. He quitted Avignon April 30th, 1367, and

[q] The reproaches of the most renowned philosopher and poet of the age, Petrarch, may have contributed not a little to deepen the sense of degradation in the clergy, and in all attached to the Roman traditions. *Sismondi*, Hist. de Fr. tom. xi. p. 66. See the glowing letter of Petrarch upon the restoration, ap. *Raynald.* an. 1367, pp. 150, 151.

landed at Corneto on the 4th of July, whence he proceeded by way of Viterbo to Rome.[r] At the capital he was received with great apparent cordiality and loyalty.

Operations of cardinal Albornoz in the estate of the church.

The history of the patrimony since the migration of the papacy would, if the necessary limits of our narrative permitted, present many scenes and persons of interest to the reader; but would throw little light on the general current of papal history as it affected that external political influence to which our attention has been principally directed. It may be, however, expedient in this place to advert to one or two incidents necessary to explain the actual position of pope Urban V. at this juncture. During the period of the exile the natural proclivity of the democratic politics towards individual tyranny had proceeded with accelerated speed. With exception of the hereditary principalities of Este, Turin or Piedmont, and a few minor strictly feudal properties, as also of the great republics of Genoa, Venice, and Florence, every city and town of northern and central Italy had fallen under the dominion of some powerful citizen or daring adventurer, who had ridden into power upon the shoulders of a divided and factious populace. These new lords or tyrants had generally embraced one or other of the two parties which, under the names of Guelfs and Ghibellines, had for ages past engendered and perpetuated the most irrational, and therefore the bitterest feuds and animosities. The state of the patrimony of the church, for some years previous to the return of Urban V. to his capital, exhibits a remarkable illustration of the tendency of simply municipal democracy to take refuge in tyranny against the intolerable evils of faction. At the period of the migration of the papal court to Avignon the Roman populace were alternately and fitfully divided between two great parties, respectively headed by the powerful Colonna and Orsini families; the former embracing the Ghibelline, the latter the Guelfic party. It has been observed, however, that

[r] *Raynald.* an. 1367, pp. 148-150; *Vitæ Pont.* ubi sup. p. 617.

these names or designations had lost their original signification, and now denoted little more than that political antagonism which rendered them by turns the friends or the foes of the papal government.[s]

Condition of the state of the church in Italy.

Pope John XXII.,[t] with the aid of Robert king of Naples, had maintained his authority in Rome for a period of twelve years. But in 1328 the emperor Louis of Bavaria, with the assistance of the Colonnas, had driven Robert from the city, and for a short time transferred the nomination of the senator, or chief magistrate, to the imperial party. Within a few months, however, the Ghibellines were turned out by a popular insurrection, and the city returned once more to its allegiance to the Pope. That allegiance was, nevertheless, rather nominal than real. The sanguinary feuds between the Colonnas and Orsinis continued to desolate the city and its vicinity, without intermission, throughout the reign of John XXII. The same calamitous state of public affairs lasted during the whole pontificate of Benedict XII.[u] The Pope, however, was permitted to appoint the senator and the prefect of the city; but the distant sovereign had no power to prevent the injustice and the extortions of these officers, or to check the unbounded license of the robber nobles both within and without the walls of Rome.[v] But when public suffering reaches a certain degree of intensity, any change is a godsend to an exasperated populace. At this juncture Nicolo da Lorenzo—commonly known by the name of Cola di Rienzi —a notary public, and a person of more intelligence and vigour than of sound judgment or unselfish patriotism, undertook to enlighten the Roman people as to the source of the evils under which they were labour-

Rienzi: his reforms.

[s] The Ghibellines may have retained a traditional attachment to the empire. But after the total decay of the imperial power in Italy, the Ghibelline party rarely fought under the banner of the empire, or (except when it suited the views of their chiefs) supported themselves upon the imperial name and patronage.

[t] From 1316 to 1334; 18 years and 4 months.

[u] From the 7th May 1342 to the 6th Dec. 1352.

[v] Both parties opened their fortified houses within, and their strong castles in the vicinity, to the criminal rabble of the city, where they were effectually protected against the arm of justice.

ing. The remedy, he declared, lay in the reëstablishment of the classic constitution of republican Rome. The first step in the process of regeneration was to suppress all parties, and to drive the turbulent nobility out of the city and patrimony of St. Peter. The conspiracy against the existing regime appears to have escaped the penetration of the contending nobles; a favourable opportunity was soon at hand for the execution of the scheme of Rienzi. A general meeting of the people was convened; the plan of the new constitution was described to them in a glowing speech, the principal topic of which was emancipation from the intolerable yoke of the nobles, and the restoration of peace and prosperity under the regime of their illustrious ancestors, and the paternal superintendence of their absent pontiff. The address of the orator was received with unbounded applause; the people rushed to arms, they stormed the fortified houses of their enemies, and drove the occupants from the city. The earlier measures of the demagogue were moderate and judicious. After organising, arming, and reducing to some kind of discipline the rabble militia of Rome, Rienzi summoned the nobles of the Compagna and the hills to appear at the Capitol, and swear to uphold the new constitution, and, after the example of the patricians of old, to take their share in the privileges of citizens; but more especially, to abandon the predatory habits and party animosities which had hitherto proved so fatal to the peace and welfare of the republic. Hating or distrusting one another, and alarmed at the powerful armament at the disposal of their adversary, the majority of the robber-barons of the patrimony obeyed the summons of the tribune. The safety of the highways was secured, and the shoals of anxious pilgrims found the road to the holy places free from danger or interruption.

Measures for the public safety.

The ease and promptitude with which this revolution was accomplished attracted the attention of the princes and republics of Italy. The Pepoli of Bologna, the princes of Este, the Della Scala, of Verona, the emperor Louis IV., Johanna

queen of Naples, signified their approbation and support; and notwithstanding the contemptuous hostility of the more powerful chiefs of the conflicting parties,—the Gonzagas, Carraras, Ordelaffi, and Malatesti,—the tribune succeeded in assembling a convocation of the municipalities and dynasts of the patrimony and of central Italy, with a view to establish a general police for the maintenance of the public peace and the suppression of that predatory spirit from which all these communities suffered alike.

Rienzi's failure.

Notwithstanding the ignorance of the people, and their incapacity to understand or appreciate the institutions imposed upon them by their enthusiastic leader, the progress of Rienzi had, up to this point, more than answered his most sanguine hopes. But here his successes came to an end. He fell in love with his own power; the republic he had dreamt of had become centred in his single person; and the government of the popular tribune assumed a character closely resembling that of the lords or civic tyrants of the subjugated municipalities of Italy. He alienated his patrons, the Pope and the Emperor, by the assumption of a tone of insolent and menacing dictation.[w] The expenses of his state and government soon exceeded the ordinary revenue; the deficiency was supplied by arbitrary imposts; the complaints of the nobles and people were answered by arrests and imprisonments; and the general discontent issued in a coalition for his ruin between the hitherto discordant parties of the Colonna and Orsini. His power had in fact changed its basis, and now rested upon the attachment of his military supporters alone. His successes in the field were but ill compensated by the loss of his popularity; and he possessed neither the talent nor the energy requisite to improve these temporary advantages. Disgusted

[w] He cited the Pope to return and take charge of his own proper church. He commanded the emperor Louis IV. and his competitor Charles of Bohemia to submit their differences to his decision. He declared Rome and all the cities of Italy to be free and independent, and conferred on the citizens the rights and privileges of citizens of Rome, and entitled to a vote in the election of a future emperor.

by the undisguised tyranny of his administration, the resident legate of the Pope joined the malcontents, and published the tribune a traitor and a heretic. Thus encouraged, the several parties among the exiled nobility for the moment abandoned their mutual quarrels, and established a strict blockade of all the roads by which supplies could reach the hungry population. Driven to desperation by privation and want, the citizens rose upon their governor with a unanimity which defied resistance. Rienzi was forsaken by his famished troops, and compelled to seek safety in a precipitate flight. In this crisis of his fortunes he had the good luck to escape to Naples, from whence he migrated to the court of the emperor Charles IV. The latter, however, sent him to the Pope at Avignon, where, in consideration of former services, and probably with a view to the use to be made of him thereafter, he was pardoned, and reconciled to the church.

Albornoz recovers the patrimony of the Holy See.

After the expulsion of Rienzi the disorders in Rome acquired increased intensity. Every city and town of the patrimony strove to establish an independent existence. The tyrannous rule of the several dynasts who had usurped the government, and the vexations of the robber gentry and nobles, were encountered by popular insurrection and murders of unheard-of ferocity and cruelty. Between the years 1350 and 1353 anarchy appears to have done its perfect work. But at this juncture a man appeared on the stage combining qualities now rarely met with in the ministers of the papacy. In the year 1353 pope Innocent V. seized the opportunity for the restoration of his authority which the sufferings of his Roman subjects presented. Cardinal Egidio Albornoz, a Spanish soldier of fortune, who had passed through almost every stage of political life, was sent into Italy—with scarcely any support but that which experience and a rare discretion supplied—with the mission to recover the patrimonial dominions of the Holy See, and to restore peace to the vexed communities. Drawing a graceful veil over his function of governor, he appeared among his

subjects as the liberator rather than the master. By vigorous action, forbearance, and good faith, he wrought upon the hopes and affections of the people, and laid a solid foundation for future successes. In the subsequent years of his administration he contrived to assemble a respectable body of disciplined troops, and by their aid managed to reduce to obedience many of the petty tyrants both within and without the walls of Rome. The formidable Malatesti, the tyrants of Rimini, were compelled to surrender their conquests upon equitable conditions, and the moderation of the governor brought more repentant rebels to the footstool of the papacy than either military force or intrigue could have accomplished. Rome was thus cleared of her domestic oppressors; and the majority of the dynastic families who held portions of the estate of the church as signori or lords gave pledges of their obedience to their suzerain, and renounced their lawless and predatory habits.

Restoration and downfal of Rienzi.

But a serious error, imputable either to the cardinal legate or, more probably, to the court of Avignon, had well-nigh marred the advantages obtained by the wise policy of Albornoz. In the expectation that the popularity of Rienzi might be of service to the interests of peace, the repentant tribune was raised to the dignity of senator, and sent back as papal representative in Rome. The past career of the converted republican might have convinced the pontiff of his total want of administrative ability, or even of common integrity. As an orator and a dreamer he had played out his part, and nothing remained behind but the vulgar and selfish passions of the successful demagogue. His popularity might not be wholly on the wane; but his very name was odious to the nobility; and his prodigality, treachery, rapacity, and cruelty soon drew upon him the hatred of all classes alike. As usual, the people of Rome took the remedy into their own hands, and a successful insurrection put an end to the tyranny and the life of Rienzi.[x]

[x] He was murdered by the mob in an attempt to escape from the castle of St. Angelo.

Government of Albornoz.

Meanwhile the policy and military genius of Albornoz had borne their proper fruits. The formidable Ordelaffi and Manfredi of Forli and Faenza had been reduced to surrender the cities and districts they had usurped. The sagacious diplomacy of the cardinal-legate had restored the important city of Bologna to the dominion of the church, and baffled the power and intrigues of the powerful Visconti of Milan to make good their claim to the lordship of that city (1360). The last, and perhaps not least difficult, task of this extraordinary man was the restoration of tranquillity in Rome. In the course of 1357 his administration had been suspended for a few months by the appointment of a new legate. But the incapacity of this person to carry out the policy of Albornoz, or to restore the peace of the city, soon became apparent. After the overthrow and death of Rienzi, the people had expelled the civic nobility, and deprived them of their rights of citizenship; they had abolished the senatorial offices, and, in imitation of his policy, had substituted a tribunate or captainship of the people in its place. But these violent expedients led to no alleviation of the evils complained of. The struggles of the nobles to recover their lost rights and properties, and the conflict of parties among the people themselves, threatened a general ruin. Albornoz was contented to await the natural consequences of this scene of crime and anarchy. That result was not long in appearing. Wearied with the accumulated evils of misrule and democratic tyranny, Albornoz was reinstated, and the citizens flung themselves without reserve into the arms of the legate. Under his vigorous and forbearing government tranquillity was restored to the vexed city; the whole of the estates of the church were brought back to their allegiance to the court of Avignon; private feuds were put an end to; the predatory gentry dispossessed or reduced to inactivity, and the high-roads cleared of the marauders who preyed alike on traders and pilgrims.[y]

[y] This greatly abridged narrative of events in Rome and central Italy between the years 1305 and 1368 has been drawn up from the Annals of

When, by the death of pope Innocent VI., Urban V. was raised to the throne,[z] a state of affairs in Rome and Italy had by this time been brought to pass more favourable to the tranquil residence of the Pope in Rome than had arisen for many years past. Of this juncture Urban V. had—as already mentioned—freely availed himself. By the mass of the citizens he was received as a liberator and benefactor. But among this class, as among the rest, the leaven of disorder was still seething. The discontented members of the sacred college — all of them home-sick Frenchmen—accordingly found no difficulty in fomenting disheartening disturbance throughout the dependencies of the Roman church. During a period of three years and a half[a] Urban V. adhered to his resolution. Though as much disgusted with his position as his brethren, he heroically bore with the intrigues of his court and the harassing insubordination of his subjects. On the 30th of October 1638 he received the visit of the emperor Charles IV. of Luxemburg, and conferred upon him the imperial crown with more than the ordinary formalities. The repeated transgressions of the powerful Ghibelline leader, Barnabo Visconti of Milan, had drawn upon him the most emphatic denunciations of pontifical wrath. Taking advantantage of the absence of government in the papal states, that unscrupulous chieftain had appropriated large districts belonging to the patrimony of St. Peter. But a Guelfic emperor was no longer an anomaly in the world's history; and Charles IV. of Luxemburg zealously embraced the defence of the Holy See. Barnabo Visconti was reduced to crave reconciliation with the church; and Charles himself—following the footsteps of his ancestor Henry VII.—issued a preliminary

Return of Urban V. to Rome.

Subserviency of the emperor Charles IV. to the Holy See.

Raynaldi for the intervening years, and from the ninth and tenth books of *Villani's* History of Florence; both compared with *Sismondi*, Rep. Ital. &c. tom. v. and vi. and Professor Leo's Gesch. der Ital. Staaten, vol. iv. The *Vitæ Pont. Rom.* in the third volume of Muratori's Ss. Rr. Ital. have been consulted.

[z] A.D. 1367.

[a] From the 1st of June 1367 to the 19th of Dec. 1370; a few days over the three years and a half.

declaration of right as relating to the cumulate possessions of the Holy See in Italy,[b] securing to the latter the absolute sovereignty of central Italy (exclusively of Tuscany) from the Po to the confines of the dependent kingdom of Naples.

Uneasy position of Urban V. at Rome.

The death of the able and upright Albornoz had, however, deprived the Pope of services which probably no other statesman of the day was competent to render. During the residence of Urban V. at Rome the municipal constitution of the city, as settled by Albornoz, remained unchanged, notwithstanding those occasional tumults which, from long indulgence, had become the second nature of the Roman populace. This pope suffered fewer inconveniences from this traditional propensity than many of his predecessors; nor could he allege any such abridgment of his governing powers, or any such personal perils, as would have furnished a valid excuse for the desertion of his duties as supreme pastor of the Roman church. But, dating from the downfal of the Hohenstauffen dynasty as the culminating point of the pontifical power, the spiritual weapons of the papacy had lost their edge; and it was perceived that the reputed capital of Christendom lay too far from the principal foci of political influence and intrigue to afford sufficient scope for the accustomed operations of the sacerdotal aspirations.

His remoteness from the scene of political action.

Subsequently to the decisive victory of Poitiers (1356) and the humiliating treaty of Bretigny (1360), the papal court had at intervals interfered to propitiate both parties. But the dismemberment of the kingdom had sunk too deeply into the heart of the government and people of France to afford any reasonable prospect of reconciliation between the rival nations. The splendid but

[b] This document is in most respects identical with the declaration of pontifical rights addressed by Rudolph of Hapsburg to pope Gregory X. In some respects it enters rather more into detail; but it makes no mention of the islands of Sardinia, Sicily, and Corsica, or of the kingdom of Naples, as in the diploma of Rudolph of Hapsburg. For the entire document see *Raynald.* an. 1368, pp. 161-163; and conf. ch. vi. p. 227 et sqq. of this vol.

fruitless expedition of the Black Prince to Spain in aid of Peter, surnamed the "Cruel," of Castile, against his rival Henry of Trastamare, had undermined the health of the prince and wasted the strength of the English army. The nonpayment of the ransom of king John, and the subsequent return to captivity and death of that prince; the evasion and dereliction of oath and honour committed by some of the most distinguished of the French prisoners, bore significant testimony to the general intent to ignore or to set aside the treaty of Bretigny. The feeble and burdensome administration of the Black Prince in the ceded territories had seriously impaired his popularity. His declining health threatened to deprive the national enemy of their most formidable champion. Emboldened by these symptoms of increasing weakness in the popularity and military resources of his great enemy, king Charles V. set aside the treaty as if it had been non-existent, and insolently summoned the Prince of Wales to appear before the court of peers at Paris to answer for certain charges of misgovernment and breach of allegiance as a vassal of the crown of France.[c] A very general revolt of the ceded districts determined the balance of warfare in favour of France; but the internecine conflict which for some years continued to desolate the southern provinces, the ravages of the free companies and the complications incident to this calamitous state of things, called into activity the restless spirit of the papal court, and determined Urban V. once more to remove the seat of government to a position reluctantly abandoned and now joyfully reoccupied by a court to whom the existence of any form of freedom was an impious invasion of the rights of the church. On the 5th of September 1371 the pontiff embarked at Corneto. On the 24th of the same month he landed at Marseilles, and a few days afterwards made his triumphal entry into Avignon.

Urban V. returns to Avignon.

But within three months of his return, pope Urban

[c] In reply to the summons Prince Edward replied that "he would come; but with helm on head and his bowmen at his back." *Froissart*, c. 257.

Election of Gregory XI. Persecution. quitted the scene of disaster and bloodshed enacting around him.[d] No time was allowed for the apprehended interference of the French court, and Peter Roger cardinal of S. Maria Nova was unanimously elected and enthroned by the name of Gregory XI. The jealous discernment of the new pontiff—a man of eminent scholastic and legal attainments—was attracted rather by the religious than the political aspect of affairs. The alarming increase of opinions hostile to the accepted dogmas and discipline of the Roman church called forth an energy of persecution rarely exhibited since the wholesale slaughter of the Albigensian sects in the first half of the thirteenth century. Our attention will, however, be called to the distinguishing features of the pontificate of Gregory XI. in the succinct narrative of the preparatory events of the great reformation of the sixteenth century, to follow upon the history of the great schism which so seriously impaired the influence, spiritual and temporal, of the court of Rome.

Gregory XI. returns to Rome. The whole soul of Gregory XI. had been, from the earliest period of his pontificate, absorbed by the labours of persecution. No pontiff had worked harder in his vocation. But the combined clamours of saints and worldlings, the corruption and distresses of the times, the perilous state of Rome and the dominions of the church in Italy, awakened him to the dangers of his position. The source of these evils lay in the boundless corruptions, the venality and the scandalous lives of churchmen of all ranks; but, perhaps, more emphatically, of the cardinals and the curia themselves. The Italians generally felt the late re-emigration of the papacy as a disappointment of all their hopes, and an insult to the national dignity. They bitterly resented the almost total exclusion of their countrymen from the sacred college; they were disgusted by the promotion of foreigners to almost every disposable office of trust or emolument, and exasperated by the immorality and tyranny of the strangers to whom the

[d] He died on the 19th Dec. 1371.

government of the legations was intrusted. The interferences of the republic of Florence in the affairs of central Italy led to the resumption of hostilities with that powerful and ambitious commonwealth (A.D. 1375). A crisis was at hand which commanded the immediate presence of the governing hand to arrest the progress of disaffection, and to save the estate of the church from dismemberment and ruin. Gregory XI. proved equal to the emergency. He resolved finally to remove the seat of government to Rome, and resisted with a laudable steadiness of purpose the strenuous efforts of the court and clergy of France to deter him from his purpose.[e] He accordingly quitted Avignon, embarked at Marseilles on the 13th of September 1376, and arrived safely at the port of Corneto, where he resided till the festival of Christmas following.[f]

Election of Urban VI.

Within the two years which elapsed between the return of Gregory XI. and his death in 1378[g] he had reaped the bitter fruits of the maladministration of the distant court of Avignon. The intolerable tyranny of the legates of the Holy See, and the pillagings of the hired freebooters[h] employed to subdue his disaffected subjects, had driven the cities of Tuscany and the patrimony into a league for the expulsion of the pontifical tyrants and their emancipation from the yoke of the church. Florence, Arezzo, Pisa, Lucca entered into engagements to support the cities of the patrimony in their efforts for deliverance and the reëstablishment of popular government. Within the short space of ten days eighty cities and boroughs of the estate of the church had risen against and expelled their governors, and constituted themselves free and independent republics. At this crisis the sacred college was called upon to elect a successor to pope Gregory XI. On the 7th of April sixteen cardinals

[e] *Raynald.* an. 1375, § 22, p. 271. The perilous successes of the Florentine league were perhaps less effectual in strengthening the resolution of pope Gregory than the reproaches of the saintly Catharine of Sienna.

[f] *Raynald.* an. 1376, § 12, p. 283.

[g] The 27th March 1378.

[h] These marauders were commanded by John Hawkwood, an English adventurer.

went into conclave. Three-fourths of the body were Frenchmen. The minority insisted upon an Italian Pope, and were seconded by the threatening clamours of people without. In this dilemma it was resolved to choose a pope out of the sacred college, and Bartolomeo Prignani, bishop of Bari, was elected, and enthroned by the name of Urban VI.

Discontent of the French party in the conclave.

It is manifest, however, that the French party in the conclave did not regard the election of Urban as the free expression of their votes; and the new Pope hastened to convince them of the error they had committed in consenting to his elevation by the rudeness, violence, and intemperance of the first act of his government. The disaffected cardinals accordingly one by one abandoned his court; an offence for which the despot on the throne threatened to degrade and put them to death as traitors and heretics. In this emergency they came to the bold resolution of declaring the election of Prignani informal and illegal, and of seating a pope of their own. On the 21st of September, therefore, a few days over five months after the enthronement of Urban, the cardinal Robert of Geneva was chosen Pope, and enthroned at Fondi by the name of Clement VII.—an act by which the great schism of the fourteenth century was inaugurated; the supports of the spiritual supremacy of Rome essentially crippled; and ultimately the half of Europe severed from her communion.

Adverse election of Clement VII.

Character of the election of Clement VII.

The Romans had, indeed, succeeded in seating an Italian upon the throne of St. Peter; yet they could not have made a more unfortunate choice. The imperious and passionate character of Urban VI. exasperated and alarmed the French party in the sacred college. His election was sullied by popular clamour and intimidation. This plea of nullity was eagerly seized by the seceders. But whatever the motive, the election of Urban was unanimous; no protest was issued at the time; not only were no immediate steps taken to vacate the election, but as soon as the choice of the conclave was announced, the car-

dinals—six in number—remaining in Avignon were invited by their brethren to join them in Rome and give their sanction to the election. It may therefore be reasonably inferred that the plea of intimidation was an afterthought, founded rather upon the disappointment of the French party, and the savage violence of the Pope of their choice, than upon any apprehensions for their personal safety from popular violence while in conclave. The foreign cardinals had never relinquished their design to remove the seat of the papacy back to Avignon. Italian manners and customs were ill suited to the luxurious habits contracted in the more civilised society and the delicious climate of the Provence and Dauphiné. It could hardly have been otherwise than manifest to the world that the prevailing motives of the seceders were uncanonical and impure. The demeanour of the tyrant whom they had placed on the throne might have justified secession, but could not legitimatise the election of Clement VII.

But the world at large was at little trouble to scrutinise the merits of this troublesome transaction. The governments of Christendom attached themselves indifferently to this or that pretender whom their own political interests pointed out. The undisguised jealousy and hatred of the Italians for the French faction in the sacred college, arrayed Guelfs and Ghibellines alike under the banner of Urban VI. The rival pope had, in the first instance, taken refuge in the dominions of Johanna queen of Naples. But the patronage of the court of France was of little avail to Clement VII. as long as he resided in Italy. The protection of queen Johanna, amid a hostile population, failed to secure his personal safety, or to overcome the jealous antipathy inspired by the long expatriation of the pontifical court, and its exclusive devotion to Frenchmen and French interests. Yielding without reluctance to the pressure of events, Clement VII. and the sixteen cardinals of his party once more took up their abode at Avignon :[1] an act regarded

He retires to Avignon. The great schism.

[1] Clement VII. arrived at Avignon on the 10th of July 1379.

by all true churchmen as the prostration of the spiritual under the temporal power, and a practical surrender of that proud independence, that imposing supremacy, on which the heroic founders of the Petrine primacy had built up the amazing structure of their power.[j]

State of the public mind at the commencement of the schism.

A period of seventy years had elapsed, during all which time France had with good reason looked upon the Popes of Avignon as the instruments of her political and financial policy. King, princes, and courtiers accordingly hailed the return of Clement VII. with a pleasure fully in proportion to the regret and anger with which they had witnessed the departure of Gregory XI. in 1378. The floodgates of ecclesiastical preferment were once more thrown open to the crowd of eager expectants; and the king was in a position to command the papal concurrence in his arbitrary demands upon the clergy of the kingdom, and to silence opposition by the hope of sharing in the distribution of the church plunder now again at the disposal of the court. The principal—and at the outset of his reign the only—support of the title of Clement lay in the attachment of the French court and clergy; and no compliance necessary to retain and confirm that attachment admitted of scruple or hesitation on his part.[k] But in another direction these advantages were balanced by the jealousies and suspicions which such an abuse of power could not fail to engender in the minds of the neighbouring states, and indeed of that large and ever-increasing class of persons, lay and ecclesiastical, who desired the reformation of the abuses which weighed so heavily upon the consciences of all well-wishers of the church. Clement VII. was, as before noticed, driven from his asylum at Naples by the threatening clamours of the nobles and people. Queen Johanna herself was shortly afterwards dethroned and murdered by her relative Charles of Durazzo; and the expedition and death of Louis of Anjou[l] in an abortive attempt to expel the

[j] Conf. chap. i. p. 4 of this vol.

[k] Conf. *Raynald.* an. 1379, where all the documents relating to the contested election of the rival popes are set out at length. See also *Sismond.* Hist. des France, tom. xi. pp. 248-252.

[l] The brother of Charles V. of France.

intruder and to make good his claim to the crown of Naples as the adopted son and heir of the late queen, brought disgrace on the French arms, and flung to the winds the enormous treasures he had accumulated by peculation and robbery.[m] Richard II. of England declared in favour of Urban VI. probably for no other reason than that his enemy Charles V. had embraced the cause of his rival. The kings of Castile and Aragon inclined in favour of the French pope and his party; but king Ferdinand of Portugal acknowledged Urban VI., and the rich and flourishing cities of Brabant and Flanders flung their suffrages into the scale adverse to the interests and policy of the French court.[n] But far more detrimental to the character and government of Charles V. were the loud, the clamorous murmurs of an influential class of his subjects against the utter discredit into which the ecclesiastical power had fallen, in consequence of his encouragement of the schism, and the unscrupulous diversion of the spiritual armoury to the purposes of a sordid and selfish ambition. That large class to whom the uniformity of religious belief and practice was—as it still is—as necessary to sustain their spiritual life as material food to support their bodies, listened with horror to the blasphemous anathemas launched against each other by the contending Popes and their infuriated partisans—they started back at the black catalogue of vices and crimes mutually imputed—they loathed the scandals openly and shamelessly perpetrated—the corrupt motives, the naked simony, in the distribution of spiritual offices which each day brought to light; they beheld with anguish of spirit the total decay of that holy respect, that blind veneration, for the head of the church which lay at the root of their own faith, and upon which their own character and influence were founded. They saw with indignation the fabric of ages of hardheaded enduring sagacity crumbling into dust

[m] Conf. *Sismondi*, Hist. des France, xi. p. 297; and conf. ibid. pp. 446-449. See also *Raynald.* an. 1380, p. 409; and *Sism.* Rep. du Moy. Age, tom. vii. p. 170.

[n] *Raynald.* an. 1379, p. 376; *Vitæ Rom. Pont.* ap. *Murat.* Ss. Rr. Ital. tom. iii. p. 734.

before their eyes; and its official trustees demolishing their own work with a zeal as persevering as that which had aforetime assisted in building it up.

Its first effect on the state of public opinion.

The disaffection of the purer class among the church party, more especially in the university of Paris, angered and perplexed the court. The *notoriety*, however, of the abuses which had poisoned the constitution of the church inflicted a more serious wound than that which festered in its external administration. Not merely was the unity of church-government overthrown, but the dogmatic belief, the very foundation of the Latin scheme, was threatened from a hundred quarters at once. On the other hand, the hearts of multitudes, who could not overlook the vital connection of religion with moral practice, yearned for a fresher and more healthy religious air; and could with difficulty be brought to believe that the spirit of truth would take up its abode in the Augean abodes of Rome or Avignon. But to the topic which this reflection suggests we must advert more particularly hereafter. The strictly political history of the papacy in its connection with the governments of the Latin communion during the great schism, which vexed churches and states alike for a period of more than forty years, will form the subject of the following chapter.

CHAPTER XI.

THE GREAT SCHISM.

Urban VI.; his character—Clement VII.; his vices—Corruptions and abuses of the court of Avignon—Contemporary princes of Europe—English crusade against France—Attempt of Charles VI. to extinguish the schism—Effect of the scandals of the courts of France and Avignon on the public mind—Religious discord—The university of Paris on the "immaculate conception"—Attack upon the abuses of the court and curia—Proposals for union—Memorial of the university of Paris—Death of Clement VII., and election of Benedict XIII. as trustee for the unity of the church—Benedict XIII. declines the "mutual cession" scheme—Alarm of the court and clergy of France—The Pope deserted by court and curia—He is blockaded in Avignon—Successful resistance of Benedict XIII.; he is released from captivity—Submission of the cardinals—Benedict XIII. forfeits his advantages by his cupidity—Death of the Roman pope Boniface IX.—Election of Innocent VII.—Origin of the call for a *general council of the church*—Election of Gregory XII.—Conditions—The "mutual cession;" difficulties attending it—Practices of the rival Popes to defeat the negotiation—Collusion of the rival Popes—Subterfuges—Benedict XIII. forfeits the protection of France—Evasion of Benedict—Gregory XII. is deserted by his college—The congregation of cardinals at Pisa renounces Gregory XII.—Reconciliation and coalition of the two colleges at Pisa; they summon both Popes, &c.—The rival council of Perpignan—Artifices of Benedict XIII.—Gregory XII. repudiates the council of Pisa—The estates of Germany adhere to the council of Pisa—General acceptance of the council—The council of Pisa; its constituency—Deposition of the rival Popes—Election of Alexander V.—The new Pope engages to call a general council for reformation, &c.—Failure of the council to extinguish the schism—Prospects of reform illusory—Public opinion.

We have observed that the legitimacy of the election of Urban VI. scarcely admits of dispute. His antecedents were such as to recommend him to the favourable consideration of his contemporaries. But the placid and humble temper of the dutiful churchman found no place in the heart of the Pope. His unexpected elevation developed all that was sinister in the character of the man, and from the moment of his enthronement his whole deportment became tainted by

Urban VI.; his character.

the evil passions that had up to that moment slept in his breast. Adopting all the animosities of the Italian party whom he represented, his whole demeanour dissipated all doubt of a fixed intent to avenge the injury and disgrace of the exile upon the French party in the sacred college. Almost from the moment of his elevation the latter became aware of their danger. The new Pope was deserted by three-fourths of the cardinals to whom he was indebted for his promotion. Arrogantly disdaining an appeal to princes, churches, or people of their communion, the seceding members of the sacred college enthroned a pope of their own; and their choice fell upon Robert of Geneva, a person hardly less unworthy of the trust committed to him than his Italian rival. Intrusted by Gregory XI. with the government of the Bolognese legation and the command of the pontifical troops, he had committed or sanctioned acts of atrocious ferocity and cruelty. His removal to a more exalted sphere of action changed the direction, without greatly mitigating the moral defects, of his public conduct. In his character of pope he cast aside every principle of papal policy. All his attention was engrossed by the task of securing, by unbounded compliances, the protection of the court of France, and the favour of the more powerful kings and princes of Europe. The support of Louis duke of Anjou, titular king of Naples, was purchased by the interchangeable sale of churches and benefices, enabling the latter to retail them at his own price to the expectant clergy, securing at the same time a share of the plunder to the Pope himself. A bargain was struck by which the tenths of the ecclesiastical benefices in France were divided between the duke and the Pope. The loss of revenue occasioned by these flagrant abuses was supplied by unbounded venality and unscrupulous rapacity. Expectations, reservations, provisions, all the forms of curial extortion ordinary or extraordinary, were resorted to without compunction or moderation. The voice of indignation and reproof which resounded from the halls of the university of

Clement VII.; his vices, corruptions, and abuses of the court of Avignon.

Paris was silenced by violence and menace.[a] But the call for reform had gone forth, and for a period of more than forty years a general council for the reformation of the church in its head and members became the watchword engraved in the hearts and memories of every sincere member of the Latin communion.[b]

Such was the state of the spiritual government at the earliest dawn of reformation. The state of the temporal governments was not more promising. It happens that the principal realms of Europe were at this point of time ruled by minors, debauchees, or madmen. Richard II. of England had come to the throne in the eleventh, and Charles VI. of France in the twelfth year of his age; the former a weak and incapable prince, the latter with the taint of insanity which, in a few years, delivered him a helpless tool into the hands of a venal and turbulent court.[c] Wenceslaus, king of Bohemia and titular king of the Romans, passed his days in a state of chronic inebriety; and was otherwise addicted to the grossest sensuality and debauchery.[d] In the east of Europe Louis surnamed the 'Great,' king of Hungary, approached the term of his long and glorious reign. In 1382 he was succeeded by his infant granddaughter Mary, who became the puppet of the contending factions in her court and kingdom. In the south of Europe the three Peters, kings of Castile, Aragon, and Portugal, partook of the faithless and sanguinary characters which fixed upon the first of them the surname of "the cruel;" while Charles of Navarre, excelling in the arts of treachery

Contemporary princes of Europe.

[a] The duke of Anjou flung the deputies of the university into prison, and threatened to punish as traitors all who should cast a doubt upon the legitimacy of the election of Clement VII., or repeat the call for a general council.

[b] The authorities for the foregoing remarks are chiefly the following: *Raynaldi*, an. 1378, 1379; *Art de vér.* i. p. 320; *Sismondi*, Hist. des Fran. tom. xi. pp. 300, 334, and ch. xv. passim. See also *Anonym. de S. Denys*, liv. i. c. ii. p. 21; and *Juvenal des Ursins*, p. 10.

[c] Richard II. came to the throne in 1378; Charles VI. succeeded his father (Charles V.) in 1380, under the tuition of his three uncles, the dukes of Anjou, Orleans, and Berry.

[d] Wenceslaus was the son of the emperor Charles IV., who enjoyed the sobriquet of "King of the Priests:" his son acquired the title of "King of the Pothouses."

and intrigue, is recorded in history by the affix of "the vicious" (*le mauvais*) to his name. The government of Naples under the pleasure-loving queen Johanna I. was contaminated with all the vices incident to the loose morality and corrupt practice of the age. With the charge of blood-guiltiness—whether true or false—weighing upon her reputation, and supported by a venal and factious aristocracy, she was unequal to the contest with Charles of Durazzo; and was on the eve of yielding up throne and life to her ambitious opponent.[e]

English crusade against France.

While Charles V. of France was busy in silencing the scruples of his parliaments and people, and crushing the Urbanists in the French Netherlands by fines, imprisonments, and heavy ransoms, the Pope of Rome was forging spiritual weapons with a zeal and activity which in the days of the Innocents and the Gregories might have reunited the elements of church-government. Under favour of the national hatred which the late wars had fostered in the hearts of the French and English peoples, a crusade was organised in England at the instance of Urban VI. against the court and kingdom of France as the authors and maintainers of the schism. Fifteen thousand men under Henry Spencer bishop of Norwich ravaged, without purpose and without distinction of religious party, the rich provinces of Picardy, Artois, and Flanders. After innumerable crimes and cruelties perpetrated alike upon friends and foes, the undisciplined rabble—of which, as a rule, the armies of the cross were composed—became the instruments of their own discomfiture. Under the pressure of famine, exposure, and the harassing attacks of the plundered peasantry, hundreds perished daily; till at length a bare remnant found a refuge under the walls of Calais. For the present, however, we follow the natural order of events from the accession of Urban VI. to the death of the rival pope, Clement VII., comprehending the progress of the great schism as it affected the government and people of France during that period.

[e] Conf. chap. x. p. 466 of this vol.

The attachment of Italians, English, and Germans to the throne of Urban VI. was the simple result of political enmities and party spirit. No element in his character commanded the loyalty or the personal affections of his supporters. In the mind of the Italians the great, the only issue was an Italian against a French pope. It may be questioned whether the violence, the pride, the cruelty, the despotism of the Pope of Rome, or the truckling servility, the undisguised simony and rapacity of the Pope of Avignon contributed most to the degradation of the papacy and the progress of reformatory tendencies. But it is a matter of ordinary observation that, when administrative corruption arrives at a certain point of intensity, the very authors of the evils—those who profit most by them—become anxious to throw off the load of odium so destructive of respect and loyalty in the subject. With a constitutional taint of insanity, the mind of Charles VI. of France was susceptible of religious impressions. The public condemnation of the dealings of his court with that of Avignon, and the disgrace into which his client Clement VII. had fallen, could no longer be overlooked. His religious perceptions were shocked by the unutterable scandals of the schism; and it was manifest to him and his advisers—as it must have been to every intelligent observer — that, so long as this state of things continued, the remedy for all those evils was not to be found in the church itself. The task and the glory of extinguishing the schism fell naturally and inevitably into the hands of the temporal power; and Charles availed himself of the death of Urban VI. in 1389, to propose terms of accommodation and reunion with the college of cardinals at Rome. Accordingly the agents of the courts of Paris and Avignon conjointly invited the rival college, instead of reëlecting a pope of their own, to transfer their allegiance to Clement VII., promising to confirm and maintain them in all their dignities, preferments, franchises, and emoluments, as if they had never departed from the One communion. But the admission of the illegality of the election of Urban VI.

Attempt of Charles VI. to extinguish the schism.

involved in this proposal, accompanied by the transfer of their obedience to a French pope, left no room for hesitation, or even of debate, in the minds of the Roman college; and on the 2d of November in the same year they placed Peter Tomacelli upon the throne by the name of Boniface IX.[f]

Effect of the scandals of the courts of France and Avignon on the public mind.

The resentment of Charles VI. at the rejection of his advances exhaled itself in an inconsequential threat to carry his plans for the union of the church by force of arms.[g] But his mind was not yet so far weakened by mental disease as to render him incapable of definite purpose. A lamentable accident which occurred at one of those grotesque revelries in which the luxurious and pleasure-loving court frequently indulged was on all hands interpreted as a manifestation of the divine wrath upon the authors and promoters of the schism.[h] The rival popes were anxious to improve the impression, each, of course, for his own profit. But the public—and probably the king himself—took a different view of the visitation. The irritating scandals now of daily occurrence—the putrefying sores in the outward body of the church—the reckless traffic with holy things openly carried on by the Pope for the gratification of his profligate protector the duke de Berri—the absorption of all the best preferments of the kingdom by the sycophants of the court and regents of France[i]—the withholding of the legitimate rewards of distinguished merit, learning, and piety,—all these multiform abuses, when brought to the light of day, could not fail to fall back upon the church itself, to weaken the attachment of the laity, and to suggest those ominous misgivings which

[f] *Vitæ Pont. Rom.* ap. *Murat.* iii. p. 751; *Raynald.* an. 1389, pp. 517, 518.

[g] He threatened that he would in the month of March 1391 march at the head of 4000 lances of his own, and 10,000 more of the princes and peers of the realm, and expel Boniface IX. from Rome; and so put an end to the schism. But, says *Froissart*, before that time arrived the king had forgotten all about it.

[h] A number of persons disguised as satyrs, and clothed imprudently in dresses saturated with inflammable materials, came in contact with fire, and were burnt to death.

[i] The dukes of Anjou, Orleans, and Berri, the king's uncles, who administered the government during the intervals of mental incapacity to which the king was subject.

awakened sentiments of apprehension and dismay in the minds of the righteous members of both communions.

Religious discord. University of Paris on the "immaculate conception."

We advert in this place singly to the distresses and perplexities produced in the minds of the well-wishers of a catholic unity in the church. The effect of the discredit which took so large a share in opening the eyes of many to the *source and origin* of the evils complained of by all parties, is reserved for independent consideration. The university of Paris, though strongly imbued with the servile formalism of the age in religion and philosophy, numbered among its members a majority of the most distinguished professors of letters and divinity of the age. Among themselves the constituency of this learned body maintained a kind of republican equality; and, as against the commonalty, claimed a monopoly of that pedantic lore which passes for philosophy, and of that empty rhetoric which, in that stage of civilisation, was generally mistaken for eloquence. But they possessed also the courage necessary for the defence of these pretensions, and discernment enough to appreciate and forecast the whole mischief to the church and themselves which must result from the perpetuation of the schism. The corporate spirit was wounded to the quick by the studied depreciation of their public character and exclusion from the proper rewards of their real or imagined deserts. The resentments and jealousies springing from these grievances, stimulated no doubt by an honest and indignant perception of the moral corruption which infected the whole body of the church, goaded them to a spirited, but not always judicious, opposition to the court on the one hand, and the Pope on the other. Matters of speculative divinity, though for the most part unintelligible in themselves, often obtain a powerful hold of the public mind. The Dominican order, in favour with the court of Avignon, patronised the doctrine that every human being, including the mother of the Saviour, was born in sin. The university of Paris took up the cudgels on behalf of the holy Virgin, and in opposition to the current

doctrine of original sin, pronounced the Dominican proposition to be an insult to the mother of God, and therefore blasphemous and heretical. The opinion of the divines of Avignon, including pope Clement VII., however, chimed in with that of the Dominicans. Up to this point of time it had been held in the church as the orthodox doctrine that the sin of Adam had entailed the sentence of death temporal and eternal upon the whole race of man without exception, and that that sentence was cancelled only by the atonement of Christ. Charles V., whose devotion was directed by incapacity and presumption, embraced the doctrine since designated by the theological expression of the "immaculate conception." With a zeal in exact proportion to his ignorance, he compelled pope Clement, at the peril of his throne, to conform to the royal opinion. The Dominicans were banished from the court of Avignon, and a bull was extorted from the reluctant Pope condemning the adverse doctrine, authorising the king to ordain an annual festival in honour of the so-called "immaculate conception" throughout the kingdom, and abandoning the Dominicans and their champion[j] to the mercy of the royal divine.[k]

Attack upon the abuses of court and curia. Proposals for union.

Thus far the polemical triumph of the parliament over the Pope and the mendicant fraternities was as complete as could be desired. But, emboldened by their success, they ventured to grapple with the gigantic evil of the day; they assailed with unsparing hand the prevalent malversations and simoniacal abuses of court and curia; they set themselves up in a manner as umpires between the rival popes; and on the 30th of June 1394 Dr. Nicolas de Clemangis presented, on behalf of the college of the Sorbonne,[l] a strong memorial or treatise recommending to the consideration of the king three several measures for the unification of the church, and the extinction of the schism; they proposed *first*, the

[j] Jean de Monçou.

[k] *Sismondi* quotes the *Religieux de S. Denys*, lib. xiv. p. 255.

[l] The theological school of the university of Paris.

simultaneous resignation of both popes, thereby enabling the church in general council to elect a new pontiff; or, if this proposal should be objected to, then, *secondly*, that arbitrators be chosen by both pontiffs, who should examine into the canonical merits of their respective elections, and determine which of them was true pope, under covenant by both to conform to the award of the referees. But if the rivals should reject both these modes of restoring the unity of the church, then, *thirdly*, that the king should convoke a *general council* of the episcopacy, assisted by a select body of assessors consisting of the most learned doctors of the universities of both communions, with power to determine finally and without appeal, and independently of any consent on their part, between the two popes; and thus *of its own absolute and overriding authority* to put an end to the existing schism.[m]

Memorial of the university of Paris.

To the success of either of the two first of these expedients the consent of the rival pontiffs was essential; the third went far to establish the supremacy of an œcumenical council, and the responsibility of the pontiff to the general body of the church. The two first depended upon the personal dispositions of the rivals; the last assailed a fundamental principle of the pontifical prerogative, and was therefore inexpressibly offensive to the zealous advocates of the theocratic scheme of Innocent III.[n] King Charles VI. appeared at first to relish these proposals. He believed himself the appointed instrument for the extinction of the schism; but the waywardness of mental disease clung to all his resolutions; he was taught to regard the interference of the university as an unwarrantable inroad upon his authority. The duke de Berri, the protector and accomplice of Clement VII. in all the more odious of the subsisting abuses, easily obtained an order from the king reprimanding

[m] The *first* of these modes of putting an end to the schism went by the name of "the mutual concession" scheme. The *second* was commonly known as the method of "compromise."

[n] Conf. chap. i. pp. 1-6 of this vol. The *Innocentian* principle, it will be seen, was irreconcilable with any controlling jurisdiction.

the presumption of the university, and commanding them to cease from meddling with questions that did not fall within their competency. The latter instantly closed their schools and suspended their public instructions. A copy of the offensive address was forwarded to the Pope at Avignon. To the dismay of Clement, it was found that a majority of the sacred college participated in the opinion of the memorialists. The court seemed conscience-stricken; and the Pope was not long left in doubt as to their notion of the expediency of adopting the first or third of these proposals for terminating a schism which, independently of the enormities it encouraged and perpetuated, obviously struck at the root of the sacerdotal scheme itself, and endangered their own personal dignity and possessions. But at this juncture pope Clement VII. was suddenly called from the scene of his sordid and mischievous activity. He died of apoplexy on the 16th of September 1394: it was believed at the time in consequence of the alarm and mortification at the impression made by the memorial upon the cardinals of his court.[o]

Death of Clement VII. and election of Benedict XIII. as trustee for the union of the church.

The king no sooner learned the death of Clement VII. than he dispatched a mandate to the cardinals at Avignon to abstain from a fresh election until he should have ascertained the sentiments of the Roman pontiff Boniface IX. and his court. The cardinals of Avignon, however zealous they may have been for the unity of the church, were by no means inclined to throw away the advantage which their own position as a party to the forthcoming negotiation afforded; or to risk the danger which must attend being found without a head at a juncture when it would be open to their opponents to contend that by the abandonment of their functions, though but for a time, the unity of the church was *de facto* reëstablished;[p] and that they themselves

[o] *Religieux de S. Denys*, lib. xiv. c. ii. p. 267 (as quoted by *Sismondi*); *Vitæ Pont. Rom.* ap. *Murat.* tom. iii. p. 757; *Raynald.* an. 1394, p. 573.

[p] The Latin scheme implied that without a pope there was no church; consequently that a party destitute of a spiritual head was in schism. The cardinals of Avignon prudently determined not to place themselves in so disgraceful and dangerous a position.

had fallen into the condition of schismatics. The contents of the king's letter could be no secret after the disposition of the court and the university had become notorious. They therefore deferred the perusal of the mandate till after the election. But they desired at the same time to give proof to the world of the sincerity of their intentions for the extinction of the schism. The first act of the conclave, therefore, was to impose upon themselves, individually and collectively, a solemn oath that the person elected should regard himself in the single light of a trustee for the restoration of the unity of the church, and to shrink from no sacrifice of person or office to procure the success of the method of "mutual cession," provided his opponent should consent to a simultaneous abdication. Upon these terms a prelate of a noble Spanish family, the cardinal deacon Pedro da Luna, was elected, and consecrated by the name of Benedict XIII.[q]

Benedict XIII. declines the "mutual cession" scheme.

The court of France manifested its resentment at this act of rebellion by declining to recognise the new Pope, and submitting further proceedings to the judgment of a national synod or convocation of the clergy of the realm. This assembly met on the 2d of February 1395, and unanimously adopted the method of "mutual cession" as the most effectual mode of extinguishing the schism. But they undid their own work by resolving to recognise Benedict XIII. as their Pope *ad interim*.[r] The latter was quick to perceive his advantage. He knew how impossible it was, consistently with the accepted principles of the pontifical scheme, to impose upon a pope conditions of any kind, more especially such as might involve an abandonment of dignity and office. A stately deputation from the court and clergy of France urged with many words and much empty rhetoric the duty of restoring unity in the church, and pressing the acceptance of that mutual cession scheme

[q] The 28th September 1394.

[r] It is more than probable that the French clergy perceived many inconveniences to their actual interests and future prospects from the absence of a chief in so thoroughly dependent a position as a pope of Avignon.

to which Benedict XIII. already stood pledged. But the cardinal da Luna and the pope Benedict XIII. were, both in name and religious estimate, different persons. In his new character the Pope argued with abundance of words against the mutual cession, and proposed the method of "compromise" as more likely to lead to the desired result. He accordingly insisted that the rival Pope and his curia should meet him at some convenient place on the frontiers of France, and under the protection of the king, with a view to a religious and self-denying decision of the great question. Not a person present, however, believed that the Pope's counter-proposal was sincere, or that either he or his rival could be brought to agree even upon the preliminary question as to the place for the proposed meeting. The deputation therefore insisted upon the adoption of the simple method of mutual renunciation; the Pope remained obdurate, and after listening impatiently to interminable harangues from both parties, the deputation were compelled to be satisfied with obtaining—though with difficulty—an authenticated copy of the engagement entered into by the cardinals prior to the late election.[s]

Alarm of the court and clergy of France.

By this simple artifice Benedict had baffled the designs of the court and public: he had prolonged his term of office, and maintained his claim upon the spiritual allegiance of the protecting power. But circumstances beyond human control neutralised these advantages. The unparalleled public calamities under which the kingdom was languishing, as it were unto death, called into action that deep-seated superstition to which the clergy themselves had for ages past afforded every encouragement in their power. The devastating wars with England, the ravages of the free companies, the domestic

[s] With a view to throw impediments in the way of the deputies, or to keep up the farce of negotiation, the Pope is accused of setting fire to the bridge across the Rhone, which connected the opposite or French bank with the city of Avignon. *Sismondi*, tom. xii. quotes the *Religieux de S. Denys*, liv. xv. c. 20-30, pp. 288-307.

oppression, the unheard-of corruption prevailing in every department of church and state, the king's malady, the jealous factions of his court and ministry — this accumulation of evils—inspired the people generally with a dread of further visitations for crimes which all confessed, but for which no party would take the charge or responsibility upon themselves. They doubted not that the public calamities endured were the punishment of national transgression; but they looked for the sinner abroad instead of at home, and piously enacted sanguinary laws for the suppression of crimes of which they might easily acquit themselves; such as blasphemy, witchcraft, sorcery, and heresy. A large party, however, took a wider view of the origin and cause of the national sufferings. They traced them primarily to that wilful policy which prompted king Charles V. to originate the schism; and they ascribed the frenzy of his successor to the divine wrath against the perpetrators of that gigantic crime. The court itself took the alarm; the king's uncles, the dukes of Orleans, Berri, and Burgundy, participated in the general apprehension; they had indeed been the loudest in deprecating the return of the Holy See to Rome; they had favoured the schismatic election of Clement VII.; they had been first and foremost in profiting by the corruptions and abuses arising out of their own selfish policy. But now that they believed themselves doomed to taste the bitter fruits of these misdeeds, they cast about in all directions for the means of undoing their own work, and of putting an end to a great public scandal, which, unless the remedy originated with themselves, must find an end in the obnoxious action of public opinion. Under these impressions they addressed earnest representations to all the courts of Europe against the evils of the schism, and exhorted all kings and princes to coöperate zealously with the king and court of France for its final extinction, and the restoration of unity in the church.

In further proof of their resolution to bend the ob-

The Pope deserted by court and curia.

stinate spirit of Benedict XIII. to their purpose, they convoked the clergy of France to a general conference; and on the 22d of May 1398 it was resolved to pursue the method of "cession," and to urge mutual and simultaneous abdication upon both popes. With a view to make manifest their own impartiality, they agreed *ad interim* to withdraw their obedience from Benedict, but without impeaching his title. Pierre d'Ailly, bishop of Cambray, was deputed by the king to announce this resolution to the Pope. The cardinals of Avignon, with only two exceptions, acknowledged the expediency of the resolution, and seceded from their inflexible chief. The spirit of the latter seemed to rise in proportion to the difficulties which surrounded him. He declared to the king's envoy that no consideration should ever prevail upon him to renounce either name or title. Nothing remained to the reformers but to resort to physical force to break the haughty spirit they could not bend. Marshal Boucicault, by order of the court, collected an army of free companions, and laid siege to Avignon. The city surrendered without resistance. The Pope shut himself up in the citadel, accompanied by two Spanish cardinals, with provisions for six months' consumption, and a body of soldiers, supplied by his friend Martin king of Aragon, for his defence. But no great effort was necessary to secure the personal safety of the Pope or his garrison. Boucicault hesitated to expose the aged pontiff and his companions to the brutal violence which must attend the capture of the citadel by storm. Though he no longer commanded the duty of his spiritual subjects, Boniface was still pope; the late secession was unsustainable upon any legal ground; the plea of necessity had no place in the Roman canon law; the general welfare of the church was dependent upon—in other words, subordinate to—the will and interests of the reigning pontiff. Benedict XIII. felt his advantage, and strengthened his hold upon the superstitious fears of his besiegers by launching night and morning excom-

He is blockaded in Avignon.

munications and curses upon his enemies from a window of his palace for a space of nearly three years.[t]

Successful resistance of Benedict XIII.

Though the kings of Castile, Navarre, and Scotland had approved the scheme for terminating the schism proposed by the court of France, no degree of zeal was manifested on the part of the Roman pontiff, Boniface IX., to cöoperate for that purpose. Wenceslaus, king of the Romans, was too deeply engaged with his own sensual pleasures: Richard of Woodstock, king of England, nourished implacable resentment against the court of France: Sigismund, king of Hungary, made no movement; and the Italian states viewed with an evil eye any measure originating with the court of France. Meanwhile the obstinate resistance of Benedict XIII. had produced the anticipated effect on the public mind, and afforded an opportunity to the regent duke of Orleans to propound his religious scruples in the cabinet, with a view to spin them into political capital against the rival Dukes of Berri and Burgundy. He made it appear to the unfortunate king that all the evils which pressed upon his subjects were but manifestations of the divine wrath for the mortal sin of withdrawing their allegiance from the representative of the Divine Majesty. The result of these insinuations was a preliminary order to Marshal Boucicault to permit provisions and firing to be freely admitted into the blockaded garrison, but to keep a strict watch lest the Pope should elude his vigilance, and find a refuge in the dominions of his friend Martin of Aragon. At the same moment the university of Toulouse, in opposition to that of Paris, had zealously espoused the cause of Benedict; and thus it happened that, while the latter were pleading his cause in the south, that of Paris vehemently insisted upon his renunciation and condemnation as a manifest schismatic, and a criminal so deeply polluted with perjury and heresy as to be unworthy of the papal throne. The duke of Orleans regarded the proceedings

[t] The ceremony was duly performed with bell, book, and candle by the pontiff in person.

of the parliament of Paris as a personal offence, and called for condign punishment on that body; while the co-regent duke of Berri, as governor of the southern provinces, issued arbitrary orders for the correction and punishment of the parliament of Toulouse for maintaining the cause of the Pope.[u]

He is released from captivity: submission of the cardinals.

In the interim pope Benedict, though under nominal blockade, lacked none of the comforts or conveniences of life. But in the year 1403, by favour of the indulgences extended to him through the interposition of the duke of Orleans, count Louis of Provence, titular king of Naples,[v] found means to break the blockade and to tender his services to liberate his superior lord from his long imprisonment. The Pope and his protector agreed that it was time to put an end to the comedy of voluntary martyrdom, and to place himself in closer communication with his friends. The evasion was unattended with difficulties of any kind; and a body of 500 Aragonese soldiers was found waiting outside the line of blockade to escort him to a place of safety within the territories of the count of Provence. This movement was equal to the gain of a battle to his cause. The disaffected cardinals resident at Avignon saw their danger, and resolved to earn their pardon by unconditional submission. To that end they hastened to give proof of their repentance, and sent a deputation to the papal residence to assure him of their future fidelity. After infusing a little salutary terror,[w] the remorseful supplicants were received into favour; and thus, after a suspension of his governing powers during a period of

[u] *Hist. gén. de Languedoc*, liv. xxxiii. c. 70, p. 418.

[v] Louis derived title to the kingdom of Naples by the duty of homage to Benedict XIII.

[w] He is said to have entertained the deputies of the sacred college with apparent hospitality at his table; but after the repast to have filled the hall with soldiers, to the dismay of the penitent rebels, who believed themselves condemned to instant death. After enjoying their terror for a time, the soldiers were withdrawn, and their pardon granted. The deputation of the citizens of Avignon were not let off so easily. They are said to have been entertained in a separate building, and that while at dinner the building was set on fire, in which they perished to a man. The *Religieux de S. Denys*, liv. xxii. c. xi. p. 460, and *Bauche*, Hist. de Provence, are quoted for this anecdote.

five years, Benedict XIII. found himself in a position which, if managed with ordinary prudence, promised to secure to him the possession of all the power and influence he could expect to enjoy in the disturbed state of the religious world.

At the court of Paris the duke of Orleans was meanwhile operating zealously in his cause. Availing himself of his influence over the half-witted king, he obtained a royal decree refuting and annulling the ordinance of renunciation, and acknowledging the duty of obedience to pope Benedict XIII., with a single reservation in favour of the numerous class of beneficiaries who owed their preferments to the court and princes during the suspension, consequently lacking the papal confirmation. For this proviso the duke of Orleans had made himself responsible; nor was it conceived that, under the circumstances, the Pope would hesitate to grant confirmation of the appointments in question. But to the surprise of all parties Benedict was no sooner released from his confinement than he hastened to cancel all ecclesiastical appointments made while he was in durance; and refused to grant bulls of confirmation to the large class of persons promoted during that period to bishoprics, abbeys, and other spiritual charges, except upon payment of exorbitant fines. But the jealousy of power and the pressure of poverty overbore every consideration of expediency or policy in the mind of the Pope. No solicitations of his patron the duke of Orleans could prevail upon him to abate his most rapacious demands. The opportunity was seized by the colleagues and rivals of the duke in the council (the dukes of Burgundy, Berri, and Bourbon), to check the ascendency he had obtained over the feeble spirit of Charles VI. They persuaded the king to sign an ordinance[x] relieving the new beneficiaries from the charges imposed by the Pope, and threatening with fine and confiscation the papal officers and collectors who should persist in levying the penal sums

Benedict forfeits his advantages by his cupidity.

[x] Dated the 29th of Dec. 1403.

in question, or in paying what they had extorted into the pontifical treasury.

Deeply offended by the rejection of his counsels, the duke of Orleans had no longer the power —if indeed he had the inclination—to serve the cause of the headstrong pontiff. His protector, Louis II.—titular king of Naples and count of Provence, a near relative of the royal family—felt himself in an irksome position between the Pope and the court. For the present, however, pope Benedict remained unmolested; and before long the death of his rival, Boniface IX., at Rome, on the 1st of October 1404, presented a second opportunity for the extinction of the schism, and revived the hopes of the king and court of France for the reunion of the church under a single head. But the Roman cardinals were as fully alive to the dangers of a vacancy as the rival college. They therefore elected in haste the cardinal of Santa Croce, Cosmas di Meliorati, by the name of Innocent VII.;[y] thus again disappointing the hopes of all for the unity of the church. The public were by this time pretty well enlightened as to the causes of this unwarrantable prolongation of the schism. It could no longer be concealed that motives of the most sordid and selfish character were at the bottom of every movement of the contending parties. The disrepute into which the chiefs and leaders had fallen reacted upon the whole body of the clergy; and engendered in the hearts of every honest and respectable member of both communions a feeling of amity and identity of interests arising out of abhorrence of the dissimulations, perjuries, and frauds practised on both sides, and an ardent desire, at all costs, to put an end to a state of things which threatened the dissolution of the whole fabric of the church.

Death of the Roman pope Boniface IX. Election of Innocent VII.

It may be observed in this place, that the diffusion of these sentiments was promoted by the relaxation of that restrictive discipline by which the clergy had hitherto succeeded in suppressing the freedom of inquiry. With the decline

Origin of the call for a *general council of the church.*

[y] *Rayn.* an. 1404, p. 118.

of sacerdotal influence attendant on a first perception of the spiritual servitude to which the Christian world had been subjected, there arose a disposition in many quarters to take the remedy of the evils under which they were groaning out of the hands of the official managers, and to place it in the hands of those who could deal with it on some recognised principle of ecclesiastical law and usage; a power which could be exercised only by a general council of the whole church. An opinion to this effect had made some way in the respective colleges of Rome and Avignon. During the short reign of the Roman pope Innocent VII.,[z] the impression appears to have gained ground; and at his death, Nov. 6th, 1405, the cardinals of his communion imposed an oath on every member of the conclave that, if elected, he would abdicate the throne when required to renounce the dignity conferred. It was, in fact, understood that the object of the electors was rather to maintain the balance of parties in the intended negotiation for the extinction of the schism than to impose a permanent chief upon the Catholic body. With this view the choice of the college fell upon Angelo Corrario, a Venetian of noble birth. The Pope took the name of Gregory XII., and swore to regard his new dignity as a sacred trust, to be surrendered when it should become necessary to clear the succession for the person who should be elected to represent the united church.[a] Both colleges, in truth, were by this time aware that the general determination of Christendom left them no available plea for evading the negotiation, or shifting the ground upon which it was based. The "mutual-cession" principle was universally adopted, and both pontiffs, it was taken for granted, stood pledged to abdicate when required by the representatives of the church. Both parties professed to have no other object in view but the suppression of the scandals that had brought disgrace upon the Christian profession. It appeared, as a

Election of Gregory XII. Conditions.

[z] He held the throne only two years and twenty days.

[a] *Raynald.* an. 1406, § 13, p. 161. *Leon. Aretino,* Comm. sui Temp. ap. *Murat.* Ss. Rr. Ital. tom. xix. p. 925.

matter of positive covenant, that on the death of either of the rival popes there could remain no obstacle to the cessation of the schism. But the cardinals, with whom it rested to restore the peace of the church, reposed as little confidence in one another as in the object of their choice. They well knew that after the death of either of the rivals, the survivor would stick at no oaths or promises that would bring the cardinals of the deceased pontiff to his feet; and they entertained on both sides well-founded suspicion that their respective colleagues would, in such a contingency, hasten to make the best bargain for themselves. With ample experience of the worthlessness of oaths or promises from the lips of one whose powers transcended the ordinary laws of moral or religious obligation, it was seen that everything would depend upon being the foremost in the race; and they instinctively declined to place themselves at the mercy of one who could fling his engagements to the winds whenever it suited the interests of his ambition, or the necessities of his position.

The "mutual cession:" difficulties attending it.

But simple as the process of "mutual cession" appeared, it was beset with innumerable difficulties, and susceptible of infinite delays and chicaneries in the execution. How the perfect simultaneousness of the abdication should be managed, no one knew. The rival pontiffs were perfectly aware that if either of them abdicated only a quarter of an hour before the other, the latter would whistle his oaths to the wind; that he would proclaim himself sole pope, and would soon behold both colleges at his feet, craving pardon or soliciting favours at his hands. It was therefore an essential preliminary to the proposed cession to bring the two popes together not only in the same city, but in the same chamber. It was also to be provided that neither of them should bring to the place of meeting superior numbers, civil or military; inasmuch as it was vehemently surmised that the stronger would not hesitate to seize the person of his rival, and immerse him in the deepest dungeon; or consign him to the stake as a schismatic and a here-

tic. The world was too well accustomed to breaches of faith of this kind to entertain any lasting resentment against the culprits; it was a familiar opinion, that he who possessed the "power of the keys" could discharge himself from any oaths, promises, or treaties contracted in his private capacity. To obviate these difficulties, endless precautions had to be taken; endless false pretences to be set aside; endless suspicions and jealousies to be set to sleep; and it soon became apparent that if the settlement of the great controversy should be allowed in any way to depend upon the volition or integrity of the rival pontiffs, the termination of the schism was as remote as ever.

Practices of the rival popes to defeat the negotiation.

But negotiation to that end had become a political necessity. The only question on both parts was how to protract the proceedings so as to wear out the patience of its promoters, and how to avail themselves of subsisting enmities and jealousies; in short, to take the utmost advantage of the chapter of accidents. Both popes accordingly claimed the merit of offering conditions which each of them was satisfied would not be accepted by the other. It was the policy of both to advance when he saw his rival retreat, and thus to keep up a sort of game of see-saw which could lead to no practical result. Gregory XII. had the credit of opening the comedy. On the tenth day after his election he wrote to Boniface XIII.,[b] inviting him to a mutual and simultaneous abdication, and sent a deputation to the latter at Marseilles to negotiate the basis of a personal conference. Benedict felt, or affected, vast indignation at the presumption of his opponent. But the external pressure brought to bear upon him by the court of France and his own college at length compelled him to sign an engagement to meet the latter at the city of Savona, within the territory of Genoa; but when it was proposed that he should engage to carry his abdication into effect at the proposed meeting, and empower the cardinals of his college

[b] The 10th of Dec. 1406.

to join instanter with those of Gregory XII. in the election of a pope, he confounded the negotiators with such a volume of ambiguities and rhetorical flourishes, as convinced them that no explicit engagement was to be extracted from him. Under these circumstances, the (titular) patriarch of Alexandria, the archbishop of Toulouse, and other distinguished prelates, to whom the management of the negotiation had been intrusted, thought it best to ascertain, if possible, the disposition of the Roman pontiff. They arrived in Rome on the 6th of July 1407. There they found the entire patrimony of the church in the hands of Ladislaus king of Naples, and pope Gregory XII. dependent upon him for a bare subsistence. Gregory declared that he had neither ships nor money for the journey to Savona: he was so poor that he had not even funds to defray the expenses of messengers to convey his dispatches; his debts were unpaid; in short, the project of a journey beyond the Roman territory was a practical impossibility. The envoys, however, put the sincerity of these excuses to the test. Ships and money to the utmost amount of his requirements were offered gratis, together with every security for his personal safety which the honour and power of the French court and kingdom could command. But these offers, as well as an eventual proposal that the two pontiffs should record and deliver their deed of abdication in separate congregations of their respective colleges, were evaded or rejected, and the envoys quitted Rome with the conviction that the professions of Gregory XII. were no less insincere, and his intentions no less dishonest, than those of his rival. Before their departure, however, the Pope relented to such a degree as to promise to advance so far as the town of Pietra Santa,[c] to be within call of Savona as soon as his opponent should have notified his arrival in that city.[d]

[c] On the Riviera de Ponente of the territory of Genoa.

[d] Conf. the very interesting account of these negotiations, with every document connected with them, ap. *Lenfant*, Hist. du Concile de Pise, liv. ii. c. xciv. pp. 178-192.

Meanwhile a correspondence had arisen between the rivals, which inspired the suspicion of a conspiracy to throw impediments in the way of the cession, and to cross the purpose of the negotiators by every available artifice. This surmise was well-nigh reduced to a certainty by the acts of the parties. Benedict XIII. was no sooner apprised of the objections raised by Gregory to the place of meeting, than he showed surprising alacrity to comply with the requisition of the court and the cardinals of his party. Without delay he hastened to the place of meeting, in full assurance that his opponent would not show himself.[e] On his part, Gregory advanced as far as Lucca, accompanied by twelve cardinals and as many bishops of his party. Here he tarried for six whole months, within which period a crisis had occurred in the affairs of both pontiffs; to the immediate causes of which we must shortly advert.

Collusion of the rival popes.

Pope Benedict XIII. was now at Savona; pope Gregory XII. at Lucca. But the former had refused to disarm the galleys which had conveyed him, and which he now detained ostensibly for his protection against any sinister designs on the part of his adversary. Gregory, on the other hand, declined to trust his person to any residence that might be open to his enemies, especially any maritime port in the possession of the French party, whom he persisted in believing to be in the interest of his opponent. The coast-towns of Savona and Porto Venere lay equally within the Genoese territory; consequently open to the objection that in either place he would be at the mercy of an armed enemy. He therefore proposed to change the venue to Pisa or some other Italian city, where he might dwell in safety pending the conference. His adversary, however, was well assured that this counter-proposal was intended to defeat the meeting altogether, and he hailed the subterfuges of his adversary as part of his own game. He endeavoured to im-

Subterfuges.

[e] Benedict XIII. arrived at Savona on the 7th of October 1407. Gregory XII. advanced as far as Lucca on the 28th of January 1408.

press upon the mediating powers that Gregory was as faithless as he, Benedict, had been faithful in the performance of his engagements. Thus far the advantage was on his side; but the studied ambiguity of his professions, and his reluctance to adopt any specific basis of negotiation, deprived his compliance of all value, and contributed to strengthen the suspicion that the competitors were playing into each other's hands to evade their own solemn engagements, and to perpetuate their power at the expense of the peace of Christendom.

Benedict XIII. forfeits the protection of France.

Evasion of Benedict.

Early in the year 1408 the king of France had notified to pope Benedict XIII. that unless the union were accomplished before the ensuing feast of the Ascension, he would publish a general edict, suspending the pontifical powers, and declaring the kingdom neutral as between the two pretenders to the papacy. The irascible pontiff retaliated by a threat of excommunication and interdict against all who should obey the order of suspension, "whether they were patriarchs, archbishops, bishops, emperors, or *kings*," an act of folly so unaccountable as to savour rather of insanity than of any calculation of policy. Charles VI., in reply, convoked a general assembly of the parliament, the clergy, and the university of Paris, to deliberate upon the course to be pursued under so unpardonable an insult—one which, at the same time, afforded the most convincing proof of the wayward, faithless, and impracticable character of the person with whom they had to deal. Under this impression, the assembly decreed that Benedict XIII. be no longer regarded or obeyed as Pope; that his adherents be treated as the abettors of the schism; that his promotions for the last twelve months be cancelled; and the late bull be publicly torn in pieces by the president of the university as a scandalous, seditious, and treasonable libel. The king followed up this decisive step by letters patent addressed to the cardinals of both colleges, adjuring them by every motive of attachment to the perishing church, to form themselves into one united band for the restoration of the unity of the body of

Christ; he described his own painful efforts and those of his council to induce the competitors to redeem their oaths and to restore the peace of Christendom; but he said that they had, for more than a twelvemonth past, imposed upon him and his ambassadors by an incomprehensible series of artifices and tricks, affected delays, fictitious fears, and juggleries of all kinds, with a view to defeat the pious intent of the Christian world, and to evade their own most solemn engagements. But still more decisive steps were necessary to complete the work of the court of France, and to satisfy the demands of the university. Marshal Boucicault, the governor of Genoa, was ordered to seize the person of Benedict XIII., and to keep him in some safe custody; a measure which, had it been successful, might have saved many subsequent complications. But Benedict had received timely intimation of the design of the court; and a hasty retreat from Porto Venere lodged him safely at Perpignan, under the protection of the king of Aragon.

Gregory XII. deserted by his college.

While Benedict XIII. was thus counter-working his own schemes at Porto Venere, Gregory XII. was engaged in playing out an equally inexplicable game of evasion and fraud at Lucca. At the period of his removal to that city, ambassadors from all the principal kingdoms of Europe were in attendance upon him, earnestly imploring him to give peace to the church. Their remonstrances were seconded by the cardinals of his court; but the infatuated old man not only turned a deaf ear to their exhortations, but contemplated swamping them in the sacred college by the creation of a new batch of cardinals familiar with his wiles and devoted to his person. But as it was usual and expedient, if possible, to obtain the consent of the sacred college to such a transaction, the cardinals present were summoned to a solemn congregation. Certain acts of despotic interference with the liberty of speech had inspired fear for their own personal safety; the conduct of Gregory at the meeting was doubtless intended to intensify these apprehensions. He received them on the

throne; and surveying the assembly with an air of savage defiance, commanded them all to retain their seats, and not rise to address him without his permission. It was obvious that the prohibition was meant to deprive them of the power of remonstrance, whatever might have been the pontiff's intentions. A member bolder than the rest ventured to disobey the command, and in a tone so loud and resolute that the greater number present joined noisily in the remonstrance; and the meeting dispersed without any precise knowledge for what purpose they had been called together. But at parting, the Pope sternly forbid them, one and all, to quit their present abode. This command, with other symptoms of a threatening aspect, inspired so general an apprehension, that the whole body, with the exception of two only, took precipitate flight and retired to the neighbouring city of Pisa, where they were out of the reach of the military satellites of the Pope. Nothing daunted by the evasion of his college and of the principal officials of his court, he proceeded without delay to nominate four new cardinals, two of them his own nephews, and the remaining two the archbishops of Ragusa and a prothonotary of his court.

Congregation of cardinals at Pisa; renounce Gregory XII.

The congregation of Gregory XII. had now dwindled to seven cardinals, three of whom had loyally declined to follow their brethren in exile. But the latter, finding that no impression was to be made upon the callous temper of the superannuated idiot on the throne, followed the example of the rest, and joined their brethren at Pisa. An address from the united body was forwarded to the Pope expressive of their loyalty, and their desire to return to his court upon a sufficient assurance of his sincere determination to coöperate with them for the restoration of unity, and to abide by the oaths and promises on the faith of which he had been raised to the throne. No answer was returned to this moderate remonstrance; and after waiting a reasonable time, they notified to the Pope, and published to all Christendom, *their solemn appeal to a general council of the*

church. To this address the infatuated pontiff replied, that the measures and restrictions complained of in their memorial were both legal and necessary; that it was of the utmost importance to prevent unlawful or traitorous correspondence with the Antipope, his followers, and accomplices; that the causes assigned for their appeal were canonically null and void; and that the grounds of appeal failing, the appeal itself must fail with them. The act of deserting their chief, he said, afforded abundant proof of the falsehood of their pretended loyalty; it convicted them of the crimes of apostasy, perjury, and treason, and for those offences he excommunicated and deprived them of all their dignities and benefices. The cardinals of Pisa retaliated by an intemperate and vituperative manifesto, designating pope Gregory as the "precursor of Antichrist"—a rogue, a cheat, a drunkard, a madman, a slave to all the lusts of the flesh, &c. Finding, they said, that he was not strong enough by his own means to perpetuate the rupture by which he profited, *he had entered into a foul conspiracy with the antipope Benedict* to overthrow the measures resorted to by the congregated kings, princes, and prelates of Christendom to repair the rent in the sacred vesture of Christ. For this cause, and others of no less magnitude, they declared him unworthy of the pontifical name and throne; they summoned him to appear on the morrow at Lucca to hear sentence of deposition and privation from their tribunal; and, if he should make default, to take notice that he and his officers—associates of his iniquities—would be proceeded against as in default.[f]

Four only of his college had followed Benedict XIII. in his flight from Porto Venere. The greater number remained behind, and adjourned to Leghorn. These were soon followed by the four who had joined Benedict at Perpignan. A coalition was speedily brought to pass; a joint letter of the two communions announced

Reconciliation and coalition of the two colleges at Pisa. They summon both Popes, &c.

[f] It is hardly possible to excel this celebrated manifesto in the violence—one might be justified in saying the blackguardism—of abuse. See the abstract ap. *Lenfant*, Hist. de Con. de Pise, liv. ii. pp. 199, 200.

the fact to the king of France and the university of Paris, and expressed their hearty concurrence in the intention to effect the union of the church without regard to the interests or designs of the rival popes. At the same time, the cardinals of Benedict's party sent him a formal citation to the general council to be shortly assembled; and notifying to him the suspension of their obedience. They besought him to give his sanction to the proposed council, and to appear either in person or by proper representatives. In case, however, of his declining to accept the invitation, and to abdicate when required, they declared their intention to proceed with every measure the council might deem conducive to the reunion of the church without regard to his opinion or interests. A letter in the same tone and to the same purpose was written by the Gregorian college to their late chief; they heaped upon him charges of deceit and perjury, and maintained that when two popes disputed the government, the right of calling a general council fell incontestably into the hands of the princes and prelates of the church. If, however, he should refuse or neglect to attend the council, or if—when in attendance—he should decline to redeem his pledges, they would surely proceed against him with utmost rigour of the law.

The rival council of Perpignan. Artifices of Benedict XIII.

The council was accordingly proclaimed by authority of the united colleges, and appointed to meet in the month of March 1409. This decisive measure had to all appearance greatly imperilled the cause of both popes. But Benedict XIII. was personally safe under the protection of the king of Aragon; and Gregory XII. found an asylum at the court of Carlo Malatesti, lord of Rimini. The anathemas they continued to hurl against the recusant colleges were unheeded; and, with few exceptions, all Christendom agreed to accept the latter as the proper arbiters of the existing crisis in the fortunes of the church catholic. In Rome and most of the states of the Italian peninsula the cause of Gregory XII. was lost, and his authority disowned.

His rival, however, found a *point d'appui* in the attachment of the court of Aragon and the Spanish clergy. His first care was to convoke a rival synod at Perpignan, to hold the balance to that of his antagonists at Pisa. The assembly, when constituted, consisted of four patriarchs of his own creation, the three primates of Toledo, Saragossa, and Taragona, a considerable number of bishops and minor prelates from Castile, Aragon, and the neighbouring countries, and several ecclesiastics from the southern provinces of France. A few prelates from the distant duchies of Savoy and Loraine had contrived to evade the blockade established by the French government to prevent communication with Benedict and his party. The Pope apparently found little difficulty in vindicating his integrity in the preceding negotiations; but when the inevitable question as to the proper steps for healing the existing schism arose, such a diversity of opinion appeared, that the majority of the meeting despaired of any useful or practicable result, and quitted the council in disgust and without adieu. Eighteen bishops and cardinals only remained behind, and these persons confined themselves to a respectful memorial, advising the Pope to adopt the method of cession, as the most expedient, though it might not be the only mode of restoring the peace of the church, and to signify his acceptance of that principle to the cardinals assembled at Pisa. Benedict XIII. affected to receive the memorial graciously; and even nominated seven legates of different nations to proceed to Pisa, with full powers to represent him; but in the first instance, to inquire and report upon what principles the united cardinals proposed to base their measures for the extinction of the schism. The plan of Benedict XIII., however, lay under insuperable difficulties: in the first place, it ignored the fact that the associated colleges had renounced intercourse with both pretenders; then, in the nature of things, the powers of the colleges were absorbed in those of the general council about to assemble at Pisa. Again, the envoys were accredited to the cardinals only; a fact which suffi-

ciently proved the design of Benedict to decline the jurisdiction of any general council not convoked by himself.

Gregory XII. repudiates the council of Pisa.

But Gregory XII. had played his part with little more skill or success than his adversary. During his residence at Lucca he had issued his precept for a general council with similar views to those of his rival. But he was destitute of the powerful support extended to the latter by the Spanish sovereign. King Ladislaus of Naples was playing a difficult game at Rome; and that city no longer afforded an independent footing for the Pope, nor a safe asylum for the remnant of his party. Florence had long since embraced, and Genoa, under French influence, had likewise adopted, the principle of neutrality. In this difficulty, Gregory applied to his native Venice, and proposed some place in the exarchate of Ravenna, within the jurisdiction of the republic, as the most proper for his purpose. But the scheme of Gregory had been forestalled by the united colleges at Pisa. They requested the senate to use all their influence with the Pope to induce him to recognise and to attend the council to be there held. The absurdity of two general councils held at the same time and for the same purpose at different places and under different auspices was sufficiently striking. But the suffrages of Florence, Genoa, and Pisa were already pledged, and the Venetians concurred with the former in a requisition to the Pope to ratify and sanction the forthcoming general council of Christendom by his presence. The reply was short and decisive. Gregory XII. averred that, anxious as he was for the union of the church, he knew of no general council but one which was convoked by authority of the Holy See; and that even if this were otherwise, the priority of convocation gave him precedence over any subsequent proceeding of the same nature.

The estates of Germany

This declaration closed the road to further negotiation. Both pretenders had thrown themselves out of the saddle. The cardinals of

Pisa had practically adopted the principle that *the pontiff of Rome is responsible to a general assembly of the church.* The labours of the university of Paris had for a long time past been directed to the establishment of this proposition as a maxim of ecclesiastical polity. The existing emergency rendered its acceptance a matter of necessity rather than of choice; and it was frankly adopted and acted upon by the synod of Pisa and the succeeding council of Constance. In Germany, where the doctrines of John Hussinetz[g] and his fellow-labourer Jerome of Prague had made important progress, the anomaly of two contemporaneous popes had been for some time past felt as a severe shock to the religious mind. This impression had been intensified by the notorious corruptions and abuses which polluted both courts. But Robert, prince palatine of the Rhine, who had succeeded the crapulous Wenceslaus of Bohemia as king of the Romans,[h] had adhered to the Roman pope Boniface IX., and accepted confirmation from him. The vigorous action of the court of France, and the terrible scenes of cruelty and bloodshed enacted by the adverse parties in the northern provinces of the empire, had awakened the princes to the evils of the schism, and engendered a general desire to concur in any steps that might lead to the termination of the uneasiness under which civil and religious society had suffered for the last thirty years. The emperor-king Robert was sensible of the false position in which he was placed between the pressure of public opinion on the one hand and his connection with Rome on the other. A vast majority of his subjects looked with hope to the council convoked at Pisa; nor had the assembled cardinals neglected to apprise the latter of the measures in contemplation for the reëstablishment of union in the church. Though unwilling to renounce his predilection for the Roman communion, he perceived the

adhere to the council of Pisa.

[g] Generally known by the name of John Huss, dropping the two last syllables of the name.

[h] Wenceslaus was deposed, and Robert elected, in the year 1400.

necessity of convoking a general diet of the empire, less with a view to ascertain the wishes of the estates than to elicit, if possible, an expression of opinion in favour of that antagonistic policy which had hitherto governed the German court in its relations with France. In the month of January 1409 the diet assembled at Frankfort-on-the-Mayne. A legate from Gregory XII. was received with marked honours by the emperor, to whom the flattering assurance was conveyed, that if, through any insuperable difficulty, the Roman pontiff was prevented from convoking a general council of the church, that function devolved, *as of right, upon the king of the Romans.* Robert accordingly declared in favour of Gregory; but found to his dismay that a large majority of the estates of the empire, following the example of the prince primate of Maintz, voted for the policy of neutrality,[i] and pronounced in favour of the council of Pisa.

General acceptance of the council.

Notwithstanding the desertion of his constituents, king Robert faithfully adhered to the party of Gregory, and did his best to impede the progress of the gathering at Pisa. On the other hand, the princes and prelates of the Latin world were hurrying in numbers to the scene of deliberation. The ambassadors of France and England were received with ovations and congratulatory harangues as they passed on their road to the council. All hearts were cheered with the prospect of peace now dawning on the Christian world. The formidable objection to the legal validity of a council convoked by no known canonical authority had been overruled, rather than removed, by the zeal and learning of the universities of Paris, Bologna, and Florence.[j] The govern-

[i] *M. Pfister*, in his Hist. of Germany (vol. iii. p. 361), observes that the result of the diet was a religious schism in the empire as in the church. King Robert, he says, predicted that a threefold instead of a twofold schism would be the inevitable consequence of deserting the Roman communion.

[j] No one acquainted with the Roman canon law would, it is presumed, venture to justify the council on *canonical* grounds. The doctrine vesting the right of convoking a general council in the Pope alone, or in the Pope and the emperor of the Romans in conjunction, was held by the canonists as an indisputable rule. It followed, therefore, that inasmuch as neither the

ments and laity of Christendom had by a large majority adopted the anomalous but cogent plea of necessity, and were ready to stand by any ecclesiastical authority that promised to relieve them from disturbances which endangered alike the civil and religious interests of society.[k]

The council of Pisa: its constituency.

Supported by the irresistible demands of the Christian world, the council convoked by the united colleges assembled at Pisa on the 25th March 1409. It was attended[l] by twenty-two cardinals, the (Latin) patriarchs of Constantinople, Antioch, Alexandria, and Grado (Venice); twelve metropolitans

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emperor nor either of the rival popes had any part in the convocation, there was no canonical power elsewhere to call a general council. The plea of *necessity* sets aside all law; it is a case not provided for by any canon. Throughout that law the judgment of the Pope is the judgment of the church catholic. There can be no church without a pope; so that, as in the case before us, if the Pope's title be questioned or denied, or if the obedience of clergy and laity be withdrawn, all the powers of the church and its members are *ipso facto* suspended. The cardinals of Pisa, therefore, if their proceedings are to be judged upon canonical grounds, must be taken to have dissolved the church for the salvation of the church, and with a view to its reconstruction upon a different basis, namely, that of a controlling power, constituted by an authority external to, and unknown to, the law as hitherto understood. See the doubts of the canonists as shortly stated by *Lenfant*, Hist. du Concile de Pise, tom. i. p. 238.

[k] The antagonists of the council relied upon the positive precepts of the canon law as defined by the Innocentian decrees (conf. chap. i. of this vol.). They maintained that the Pope, as representative of the Almighty upon earth, has *no superior*, and that the visible church is to be discerned *only* through him, as identified with the priesthood, of whom he is the irresponsible head; consequently that there could be no general council unless called or sanctioned by him. *Gerson*, as the spokesman of the universities, took issue upon these points: he asserted a supreme power inherent in the church either when there was no pope, or when there was a disputed succession or double election; that then, both by divine and natural law, the church became invested with all the powers necessary to preserve its own integrity; and that in these cases the secular authorities were entitled to interfere to set the remedial powers of the church catholic in motion without the concurrence of the Pope. This, however, was only the plea of *necessity* in another form, grounded on a principle destitute of any positive legal basis. The canonists had in fact merged the "law of God and nature" in the attributes of the Pope as representative and sole executive agent of both. The strength of the objectors lay in the positive character of their system as opposed to the undefined and constructive authorities relied on by their opponents. The dilemma was only to be escaped by a reversal of the Innocentian scheme —an expedient to which the reforming party was unwilling to resort, inasmuch as it involved the overthrow of the whole system of the canon law in its application to the papal power. Conf. *Lenfant's* abstract of the argument of *Gerson* before the council, Hist. du Concile de Pise, pp. 245, 246, 4th ed.

[l] Either at the first or at subsequent sessions.

present, and fourteen represented by their procurators; eighty-seven mitred abbots, the proctors of two hundred and two other religious houses; forty-one priors; the generals of the various monastic orders, the attorney-general of the Teutonic knights, and the deputies of the principal universities of France, England, Portugal, Bohemia, Sicily, and Poland, with the ambassadors of the kings of those realms, the dukes of Burgundy, Brabant, and Pomerania, the markgrave of Brandenburg, the landgrave of Thuringia, and almost all the princes of Germany; and ultimately, the envoys of the northern powers of Sweden, Denmark, and Norway.

Deposition of the rival popes. Election of Alexander V.

No council of the church within the purview of historical memory had a more indisputable claim —as far as representation and unanimity are concerned—to the character of universality than that of Pisa. It was, however, never regarded in any other light by the Latin church than as a provisional or *constituent* assembly. It was called without the consent or sanction of the Pope; it was directed by a class of persons naturally averse from tampering with a system to which they were attached by education, habit, and personal interest. Yielding to an uncontrollable impulse from without, and their own comfortless position within, they consented to a manifest departure from the principles upon which their own powers were founded, for the purpose of restoring the basis upon which they rested. For this purpose no other steps were necessary than the deposition of the rival pontiff, and the election of a single pope who should knit the elements of their power, as heretofore, into one solid and compact body, with as little violence as possible to the vital principles of papal and curial authority. Accordingly, after duly summoning the rival popes to appear and show cause against the crimes of perjury, heresy, and schism imputed to them, and their rejection of the jurisdiction of the council, the assembly proceeded at once to pronounce them guilty of all the charges, and to excommunicate and depose them. After the 17th session, the

cardinals withdrew into conclave, and on the 26th of June 1409 they elected Peter of Candia, cardinal of Milan, by the name of Alexander V. The new Pope presided at all the subsequent sessions of the council; he ratified the preliminary proceedings of the united colleges, and confirmed all the acts of the council.

The new Pope engages to call a general council for reformation, &c.

But these measures fell far short of the demands of that party in the church which we may describe as the liberal party. The corruptions that had sprung out of the Innocentian scheme of church-government had engendered a sentiment of ineffable disgust in all honest well-wishers, and of resentment in the hearts of the host of disappointed candidates for preferment. Defeated hopes have a powerful effect in opening the eyes of expectants to abuses by which they cannot hope to profit. The universities of Europe had for many years past found themselves shut out from the legitimate rewards of their public services, their talents, and their learning; they had felt their hopes and their influence withering under the simoom of simony, favouritism, and political subserviency. A voice had been heard from the East[m] calling aloud for the reformation of the church in its head and members—a voice at which every honest heart thrilled with hope — a voice to which not even the selfish host of waiters upon Providence could close their ears. The circumstances attending the convocation of the council of Pisa, and the character of the first movers, afford ground for believing that their intentions never went beyond the extinction of the schism, and their own emancipation from the tyrannous and capricious government of their several masters. But the call for reform was too pressing to be wholly neglected; and the conclave imposed upon Alexander a solemn covenant, without loss of time to convoke another general council *for the reformation of the church in its head and members.*

Failure of the council

Whatever their ultimate views, the cardinals of Pisa professed to believe in the extinc-

[m] In allusion to the reformatory efforts of Huss in Bohemia.

to extinguish the schism.

tion of the schism; and fell back into that state of inaction from which they had been roused by a sense of their own danger and degradation. But this complacent view of the work done was rudely dispelled by the testimony of facts; and it was found that instead of two, the allegiance of the Christian world was now divided by three Popes. The aged and indomitable Benedict XIII. had—as before noticed—found a safe asylum under the protection of his natural sovereign Martin king of Aragon, and commanded the obedience of his subjects. The attachment of the French to a pope of their own choice was not yet extinct, and a considerable party among the magnates and clergy of the southern provinces scrupled to renounce their obedience to Benedict. On the other hand, his rival, Gregory XII., was not destitute of support in Italy; his pretensions were still maintained by the emperor Robert of Germany, and perhaps more efficiently by the harassing hostilities of Ladislaus of Naples against the bitterest of his opponents, the republic of Florence. Both Popes might comfort themselves with the assurance that there would be no great hurry in assembling the reformatory council, and that they might in the mean time create cardinals enough, in case of their own death, to keep up an ostensible succession, and to prevent or protract the dissolution of their respective factions.

Prospects of reform illusory. Public opinion.

This view of the state of parties in the church encouraged no great hope of the accomplishment of the work undertaken by the cardinals of Pisa, and still less of the promised reformatory movement, if the matter were intrusted to the good faith and zeal of that body, or of the Pope of their nomination. Alexander V. showed neither discretion nor integrity in the distribution of his favours to his partisans. He gave deadly offence to the emperor Robert of Germany by treating the worthless and rejected Wenceslaus as king of the Romans.[n] A well-

[n] *Lenfant*, Conc. de Pise, p. 303.

founded belief was entertained that after the election of Alexander, the French cardinals regretted their share in the transaction. Many of these persons retired from the council immediately on the installation of the new Pope, with intent, it was rumoured, to find some plausible pretext for disclaiming their own act, and electing a Pope of their own. But the promoters of the council were by no means its most formidable detractors. The objections common to the partisans of Benedict and Gregory[o] retained a firm hold upon the opinions of the canonists of both parties, and might not be wholly without influence upon the minds of the supporters of Alexander V., who in the very act of election obviously looked forward to a reconstruction of the church upon canonical principles, with the single reservation of the authority of a general council *in the case of schism*, or other *casus omissus* in the laws regulating the succession to the papal throne.[p] Whatever may have been the object of another and very different class of objectors—and of this, hereafter—nothing was further from the intentions of any party to the council of Pisa than the rejection, or even the enfeeblement, of the pontifical supremacy. The dispositions and demeanour of the principal actors indicated beyond reasonable doubt a desire to hang up the great question of *the reform of the church in its head and members*. This pregnant suspicion was gradually making its way in the minds of the laity, and was strongly resented by the university of Paris and their ingenious and eloquent chancellor, Jean Gerson.[q] It soon became a matter of general belief that no kind of reform was to be expected at the hands of Alexander V. This pontiff occupied a doubtful throne for the short period of ten months; yet long enough not only to show his own addiction to the old abuses,

[o] See p. 501 of this chapter.

[p] *Lenfant* (Conc. de Pise, pp. 304, 395) enumerates the objections taken by two of the most distinguished doctors of the old school—Antoninus archbishop of Florence, and Theoderic Vrie, a German monk and the historian of the council of Constance.

[q] Though we find no express authority in the writings of Gerson, his whole language and conduct throughout the transactions at Pisa and the subsequent council of Constance show the little confidence he placed in the disposition of the pontifical clergy to reform themselves.

but to throw light upon the dispositions of the body to whom he was indebted for his elevation. It may be taken as a matter of fact that the conviction of the impracticable character of the combined colleges and their partisans for any effectual reformation of abuses was fast maturing in the minds of the great Latin communion.[r]

[r] The most offensive of the acts of Alexander V. was his bull in favour of the Minorite friars, granting them privileges inconsistent with the laws regulating the functions of the Mendicant orders, and openly filling all the most lucrative offices of the curia over the heads of the established officers.

CHAPTER XII.

MORAL CAUSES OF THE DECLINE OF THE PAPAL POWER IN THE FOURTEENTH CENTURY.

Synopsis—Retrospect—More recent theory of *general councils*—Intent of the conservative church-reformers—Misgivings of the Christian world; their cause and origin—Result of the migration of the papacy—Increased mental activity in theology and philosophy; Realists and Nominalists; Aristotelians, &c.—Dissensions in the papal court; their effects—The Inquisition; its incompleteness as a remedy against religious dissent—The Franciscan reformers—Heretical sects; Beguins, Dulcinians, &c.—Dulcinus and his followers; their expansion and fate—Affiliation and correspondence of the heretical sects—The Minorite heresy; efforts of the papacy for its suppression—William of Occam, John of Ghent, Marsilius of Padua, &c.—Influence of dissent on public opinion—Papal attempts at reform; their character and failure—State of parties within the church—Views of the radical reformers—Persecution by Pope Gregory XI.; its results—Dispersion of heretics; diffusion of heresy—Bulgarians—Conflict of canon and common law—The *Saxon Mirror*—Persecution of the Albigensians of the Alps—Wicliffe the heresiarch of England—Jerome of Prague and John Huss—Synopsis; *immediate* causes of the call for reform—Primary causes—First impulse to reform.

Synopsis.

The great religious revolution of the sixteenth century was the work not of individuals but of generations. That revolution represents the final result of *three* different yet coöperating sets of causes. These causes may be thus generally described: 1. the advances of civilisation and knowledge among the educated classes; 2. the corruptions and abuses of the dominant church and her ministers; and, 3. the natural conflict between the principles of political and ecclesiastical government.

Retrospect.

Hitherto our narrative has touched chiefly upon the two latter causes, and the political events connected with them. We have traced out, as far as the materials at our command permitted, the de-

cline of the absolutism established by Innocent III. and his successors; as its *immediate* cause we assign the removal of the papacy from Rome to Avignon, an event to be traced *ultimately* to the passive resistance of the secular government to the despotic pretensions of the see of Rome. With this result we have connected, as an important element, the disturbance of the religious mind arising out of the decay of discipline in the church, and the cupidity, rapacity, and self-indulgence of churchmen in the mass. The general consequence of these coöperating causes served to expose the more conspicuous defects and vices of sacerdotal government, and to develope tendencies in direct contradiction to the principles of the Innocentian scheme. The more powerful princes of the Latin communion—Philip IV. of France, the emperor Louis IV. and the States of Germany, and practically the Edwards of England—had repudiated the great fundamental maxim of the Innocentian scheme, that "all secular power resided in and was dealt out by the church for her own benefit, to be exercised in her service and under her superintendence." They had disclaimed political dependence upon the pontiff of Rome; and the identical principle which in the thirteenth century was treated as the worst of heresies—the principle which led to the downfal of the noble dynasty of the Hohenstauffen—had become the rule of secular government. All that was now possible was a free alliance of church and state for their mutual purposes and interests; and the plan of universal monarchy, contemplated by Innocent III., was practically defeated.

More recent theory of general councils.

But the changes which immediately preceded the council of Pisa indicated a more decisive limitation of the papal power. Hitherto the convocation of general synods had been held to be within the exclusive prerogative of the Holy See. These assemblies were regarded by pope and church in the light not so much of deliberative bodies as in that of instruments for the registration and publication of the foregone conclusions of the Roman pontiff. But

the appearance on the stage of two rival popes, both claiming the undivided allegiance of the Christian world, presented to the canonists a perplexing *casus omissus* in their law, and left the world at liberty to adopt a principle more congenial to their own interests and less consistent with the autocratic scheme of papal Rome. Under no circumstances of external or internal pressure had the preceding popes admitted the validity of a general synod convoked under other auspices than their own, or claiming any other character than that of a simply ministerial agent. The great schism of the fourteenth century dealt a fatal blow to this pretension. A voice from the university of Paris proclaimed the doctrine, that in cases unprovided for by the laws of the church, a general council might be legally assembled by the concurrent authority of church and state; and that in all like cases such general council was superior to the pope, and was entitled, in case of necessity, to depose or nominate a supreme pastor. It was simultaneously, and with the general assent of Christendom, affirmed that in case of schism, or of intolerable abuse and corruption in the government of the church, an appeal from the judgment of Rome lay open to such general assembly as a *legislative* body endowed with all the powers necessary to reëstablish unity among Christians, and to apply the remedy to all existing abuses.

Intent of the conservative church-reformers.

But the party with whom these propositions originated intended no further limitation of the papal powers. All they asked for was a relief from the evils under which they were suffering, and a security against their recurrence. They desired to provide against any future schismatic movement in the Roman curia, and to apply a remedy to those vices and corruptions which impeded the action, disgraced the character, and damaged the temporal interests of the priesthood. The principle of law they adopted was simply declaratory and remedial. It provided against an exceptional state of things, and was designed rather to strengthen the hands of the supreme

head of the church in maintaining unity and in dealing with heresy or dissent of any kind, than to restrict or damage his authority, or to depart from the general plan under which that authority had been hitherto exercised. The idea of an independent church legislature was as far as ever from the contemplation of the orthodox reformers of the fifteenth century. Under all circumstances the Pope remained the lawful head and president of the council, and the members found themselves placed in the dilemma of servile submission on the one hand, or of incurring the awful responsibility of disobedience, or even of schism, on the other.[a] It is easy to perceive how feeble a bulwark against corrupt passions and influences such a scheme must prove under the management of a class of persons whose hopes and interests were in a great measure bound up with him whom it might be their duty to oppose or correct.

Misgivings of the Christian world; their cause and origin.

But for many ages past large classes of persons had entertained serious doubts whether such relief could be expected from the existing theory and practice of church-government. It was perceived that corruption and cruelty, abuse and persecution, had proceeded hand in hand in support of the claims of the priesthood upon the undivided and unconditional obedience of the Christian world. The church and state persecution of the Albigensian reformers had assumed a form so thoroughly destructive of the material welfare of the regions subject to its operation, so irreconcilable with civil liberty, so subversive of all social and family affections, as to require the utmost rigour of political and religious coercion to keep its machinery in working order. A strong sentiment of indignation accompanied the establishment of the Inquisition in all its stages, a resent-

[a] The mediæval sovereigns of England and every other European kingdom presided in the national councils; they directed the deliberations, and accepted or rejected the recommendations of their advisers: a scheme found utterly inconsistent with the independence of the legislature, and ultimately with civil liberty. It was, however, and still is, strictly retained even by the most liberal party in the Roman communion.

ment which was all along gnawing at the root of that repulsive, immoral, and irreligious institution. The crimes perpetrated, in support and resistance alike, bear ample testimony to the conflict of the public conscience between the despotic claims of the priesthood and the ever-active desire for civil and religious liberty. It had become manifest that the existing system of church-government could only be maintained by a simoniacal alliance with the secular government, and the perpetuation of the excesses that connection had introduced. To the priesthood itself it had become a matter of life and death to suppress these doubts and misgivings in the public mind; and to that end, to put in active motion the combined powers of political tyranny, fanaticism, and superstition. In France this object had, to outward appearance, proved successful. But it would be erroneous to assume that the elements of dissent had been burnt out. After the wholesale massacres of Albigensian heretics, Begards, Beguins, Apostolici, and puritans of various denominations in that country, the voice of doubt or reprobation had, it is true, sunk to a whisper; but a whisper audible enough to the jealous ear of the inquisitor—so audible indeed as to suggest ever new refinements in the theory, and unremitting vigilance in the execution of his functions.

Results of the migration of the papacy, &c.

The migration of the papacy to Avignon had practically ratified the alliance between political and religious absolutism. It had unfolded and nursed into active existence every element of sacerdotal corruption. Popes, cardinals, bishops, engaged with kings, princes, and nobles in a league of simony, peculation, and extortion, which set at defiance every principle of moral and religious obligation. But a game so thoroughly shocking to the indwelling sense of right and wrong must be soon played out. It was, in fact, incompatible with any degree of mental activity in the public mind. In a general sense, the intellect of man lends a helping hand to his moral faculties. The advance of knowledge tends

to the detection of vice, though it is not always successful in promoting virtue. Yet this is a great gain —the first step to reformation. The evils of ecclesiastical government were admitted, and proclaimed by the delinquents themselves in the council of Pisa. Criminations and recriminations were bandied about by the parties, till it became impossible to determine which of them were the greater offenders.

Increased mental activity in theology and philosophy; *Realists* and *Nominalists*; Aristotelians, &c.

But within the last two centuries a new power had been gradually growing in the very bosom of the church; a power that had become a source of serious uneasiness to popes and patrons of sacerdotal absolutism. A certain amount of liberty of thought and instruction had crept into almost all the great schools of theology and popular education. But liberty of thought implies a conflict of opinion. The universities of France, Italy, Germany, and England were divided between two philosophical sects, each furiously accusing the other of a betrayal of the truth both in religion and philosophy. One of these parties affirmed (as far as the confused jargon of the schools enables us to judge) that abstract ideas were to be treated as positive truths. These persons took the name of *Realists*. Their opponents contended that abstractions had no reality in themselves—that they were mere *names* adopted for the classification of observed facts or positive truths. This class accordingly became known by the name of *Nominalists*. The quarrel assumed formidable proportions in many parts of Europe, not unfrequently ending in very unphilosophical brawls. The evil—if that which indicates life and energy in the public mind can be called an evil—may be traced back to the beginning of the thirteenth century ;[b] but it derived its greatest impulse from the introduction of the so-called "Philosophy of Aristotle." It is true that the writings of the Grecian sage were known to the Latins only through the medium of a

[b] Conf. *Hoffman* Lex. Univers. art. sar. ead. art. "Nominales." See also *Ducange*, Glos-

blundering translation from the Arabic of the Moslem philosopher Averroes of Cordova. In the hands of Thomas of Aquino—whom the church of Rome honours with the title of the "Angelic Doctor"—this philosophy of Aristotle became an acknowledged authority for the elucidation of theological truth, and was so received by most if not all the schools of divinity and philosophy. The impulse given by this new study was contagious; it was accepted by churchmen of all parties, and pursued with enthusiasm by the students—Realists and Nominalists alike. It was not, however, long before the more rigid among the orthodox divines began to scent heresy. The Aristotelians had carried matters with so high a hand that the writings of the Stagirite came to stand in point of authority on a level with Scripture and the Fathers; and upon still higher ground as the proper key to the exposition of both. Accordingly the controversies between the different expositions — Realist or Nominalist — assumed an importance out of all proportion to their real merits. The natural result was, that, in the turmoil, the stereotyped orthodoxy of Latinism was in a great degree lost sight of, and occasions for disparaging comment opened to the growing indifference or disaffection of the age. Pope John XXII. sounded the note of alarm. In the second year of his pontificate he addressed a severe reprimand to the universities of Paris, Orleans, Oxford, and others, charging them with introducing confusion and doubt upon some of the vital dogmas of the church into the minds of their pupils, and of encouraging heterodoxy by their spurious comments and vain logomachies. He issued strict orders to the bishops of the dioceses in which the offending bodies were situated to look to the abolition of these abuses, referring them to his own edition of the Clementine decretals as the text-book of orthodoxy.[c]

But the habit of speculation, when once contracted, is of much too alluring a nature to leave the strictest class of dogmatists wholly un- Dissensions in the papal

[c] See the decretal ap. *Rayn.* an. 1317, pp. 53, 54.

court; their effect. affected. Even the dogmatic Pope himself in the latter years of his pontificate fell into the snare, from which he escaped with little credit to himself or advantage to his church. The revived spirit of inquiry encouraged observation. It displayed matters which, to the sleepy apprehensions of an age of mental torpor, had passed without comment or reprobation, in a more vivid light. Among the subjects of public notoriety none contributed more powerfully to slacken the grasp of Rome upon the minds and consciences of the people than the jealousies and divisions which agitated and disgraced the papal court itself. The Italian party in the curia, though in the minority, had never forgiven the migration to Avignon. Meanwhile the conflict of private interests had been stimulated by the multiplication of opportunities of gain. The resentments engendered in the hearts of the losers in the race of acquisition led to plots and conspiracies on the one hand, and to rancorous jealousies and suspicions on the other. Treason was suspected, conspiracies detected, plots brought to light; the foul agency of magic and necromancy—all the machinery of superstition—was pressed into the service for the ruin of rivals or opponents; more especially to cast the odium of the forbidden practices upon that disaffected minority which looked with shame and regret to the expatriation of the papacy and its subjection to a foreign master. In Italy the influence of the Gallic popes had dwindled to a name, and their dominion was supported only by the precarious aid of the military adventurers who haunted and pillaged almost every country in Europe. In Germany the pontiff of Avignon was regarded as the simple tool of a hostile policy; and his authority was invoked or repudiated as it might suit the views of the factions which divided that distracted commonwealth. The exorbitant demands of pope John XXII. upon the empire, persisted in by his successors in compliment to the crooked policy of the French court, received a decisive check by the publication of the "Golden Bull" of the emperor Charles IV.[d]

[d] That instrument, it should be remembered, is to be ascribed to the estates

England, under the Edwards, had disowned the degrading yoke imposed by king John, and had driven the curia into her own terms in dealing with the possessions and revenues of the church. Thus the lofty moral and religious position to which the papacy had been exalted by the successful policy of the pontiffs of the twelfth and thirteenth centuries had withered under the poison-breath of internal dissension and administrative corruption. The exposures which the savage passions of Urban VI. and the abject sycophancy of Clement VII. had displayed, contributed largely to the moral revolution in progress, and must be set down as an important step towards the decisive changes in the position of the papacy brought to pass within the first decads of the sixteenth century.

The preceding remarks apply to the *moral* effects produced by the political errors of the managers of the Latin scheme of church-government under the influence of the increased activity of the public mind consequent upon the spirit of inquiry and speculation evoked by the advances of science and education. In pursuing our synopsis of these changes, we advert, in the next place, to the earlier symptoms of that general religious *malaise* which for ages past had disquieted the spirit of the managers, and called into existence the most refined and efficient theory of suppression that ever issued from the depraved recesses of the human heart.

The Inquisition.

The Inquisition, introduced by Innocent III., and improved upon by his successors, had, it was thought, extinguished every symptom of opposition to the absolutism of the Holy See. But it soon became apparent that this was an error; the managers of the scheme were the first to perceive the incompleteness of the process, and to feel the necessity of further refinements in injustice and cruelty to nurse it into perfect efficiency. Religious dissent, though silenced

Its incompleteness as a remedy against religious dissent. The Franciscan reformers.

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of the empire rather than to the emperor, whose subserviency to Rome earned for him the nickname of the "King of the Priests."

in some parts of Christendom, broke out in others under singular and sometimes grotesque forms.[e] Dating from the earlier decade of the fourteenth century, and more especially since the migration of the papacy, the uneasiness of the religious mind under the pressure of Roman formalism had displayed itself in a greater variety and multiplicity of forms than at any period since the suppression of the Albigensian secession. One of the most remarkable of these forms of dissent appeared among the Franciscan or Minorite communities. The inconsistency of the rule with the practice of the Mendicant orders had struck the more severe disciplinarians with conscientious dismay. They beheld with religious aversion the undisguised departure of the brotherhoods from the institutions of their founders and their own vows. Consigned by their founders and their own profession to absolute dependence upon the alms of the faithful for their subsistence, Dominicans and Franciscans alike accepted endowments, acquired property, and indulged in all the comforts and conveniences of life, in flagrant disregard of the vow of poverty and abstinence to which their patriarchs had restricted them. Great numbers of monks belonging to the offending fraternities went out from among them, and constituted themselves into separate communities; associating in many instances with those erratic spirits who abound in every religious community. These persons frequently mistake their own incoherent speculations for religious inspiration, and assume to themselves a superiority of purity in life and conversation, mostly unfounded in fact, and always highly offensive to the world around them. These seceders were known by the several names of Beguins, Begards, Apostolici, Cathari, and a variety of denominations applied to them by their ene-

[e] It is remarkable that the cessation or silence of religious dissent, especially in France, was followed by a sudden outbreak of magic and necromantic superstition, founded on the opinion, entertained alike by clergy and laity, of the perpetual agency of Satan and his satellites to destroy the lives and to ruin the souls of men. Under diabolical instruction, magic had become a science and a study. The church took the alarm; but the cruel punishments inflicted upon the delinquents were soon found ineffectual to suppress the forbidden practices.

mies.[f] In conformity with the habitual language and practice of the church in dealing with reputed heretics, the most incredible enormities were imputed by the churchmen to the heresiarchs and their followers. Their principal offences appear, however, to have been that they, after the manner of the seceding Minorites,[g] separated themselves from the world, affected seclusion from society, renounced all claim to separate property, and in some instances even to the food requisite to the nourishment of their bodies.[h]

Heretical sects—Beguins, Dulcinians, &c.

Whether the vices laid to the charge of the dissenting sects were true or false, or only grossly exaggerated, the church could not be brought to tolerate an independent body of teachers, however unimpeachable their doctrinal orthodoxy. This observation applies more particularly to the seceding Minorite party. In many places these puritans had supplanted the clergy—both monastic and secular—in their ministrations; they had depreciated their religious character and diminished their gains. With a view to encounter this irregular movement, the clergy took pains to confound them with the sects of a more questionable character, which swarmed in many parts of Italy, Switzerland, and Germany. They became, of course, the objects of unsparing pursuit by the inquisitors of the faith, under the special direction and superintendence of the Pope.[i] Few, however, of these seceders gave greater uneasiness to the church than those which passed by the name of *Dulcinians*. This sect took its

[f] These sects are believed to have derived their origin from a certain Armannus (probably Herrmann, a German), of Ferrara, who lived in the 13th century. He was condemned as a heretic after his death, and his bones were duly disinterred and burnt, by sentence of the Inquisition, in the year 1301. *Rayn.* an. 1317, p. 74.

[g] With whom they are habitually confounded by the papal writers.

[h] Such pretensions to transcendent purity are common phenomena among the vagaries of the religious mind, and are not altogether inconsistent with a very contrary practice: an observation which has supplied the enemies of reform with the most specious arguments. It is hardly to be doubted that some of these erratic sects indulged in the personal impurities imputed to *all* by their persecutors. See the catalogue of the enormities laid to the charge of Begards, Beguins, and others, ap. *Raynald.* an. 1317, p. 74. But such excrescences are the natural growth of resistance to oppression in the uneducated mind when destitute of intelligent and upright directors.

[i] Vide the ordinance of John XXII. against a certain Michael Barraut and his associates, ap. *Rayn.* an. 1317, p. 77.

Dulcinus and his followers; their expansion and fate.

name and origin from one Dulcinus, an enterprising religious enthusiast, who flourished towards the close of the thirteenth and the earlier years of the fourteenth century—that is, about the period when the fermentation of the religious mind first assumed a threatening aspect to the establishment. This person had collected a large body of followers, and organised them as a separate religious community under his own government. He had chosen a hill-district within the diocese of Vercelli (Piedmont) for the domicile of the association; and from that spot as a centre he had sent out emissaries into Switzerland, Germany, and Bohemia, to propagate his opinions. The most serious of the crimes imputed to them were, that they maintained the right of private judgment in religious matters, and irreverently affirmed that the Pope and the church were subject to the law of God and the precepts of the gospel. They professed, it is said, to lead an apostolic life, and to have all things in common, after the example of the primitive believers. They denounced all coercion in matters of conscience; they condemned and rejected the Inquisition, and declared all depositions, confessions, conversions, or promises extorted by violence or intimidation, to be absolutely void and destitute of moral obligation. Without denying the authority of the Pope of Rome as the head of the church, they restricted his powers severely within the limits of gospel-law, and stoutly asserted that no ordinance of church, pope, or council, transgressing, adding to, or detracting from that law, could be binding upon the consciences of the faithful. So bold an assault upon a vital principle of papal omnipotence alarmed and enraged the court of Avignon. A peremptory order was dispatched by pope Clement V. to the bishop of Vercelli to raise the force of his diocese for the extermination of the heretics. A severe blockade of the mountain fortress occupied by Dulcinus and his followers was established. The inhabitants were reduced to the extremity of distress and famine, from which they had no resource but in predatory sallies upon the neigh-

bouring districts for such supplies as could in this way be obtained. Such a state of things could be of no long continuance. The defenders suffered and died patiently of famine and disease, till the exhausted remnant could no longer stand to their arms. The place was accordingly taken by storm on the 13th of March 1307. More than a thousand of the survivors of the siege perished in the flames of their dwellings, or in the swollen torrents which impeded their escape. Dulcinus, with Margaret his wife, and several of his principal followers, fell into the hands of their enemies. After lingering for some months in their dungeon, and suffering the most exquisite tortures the ingenuity of their persecutors could invent, the heresiarch, with his wife and chief officer Longinus, were brought to the stake, asserting to the last the righteousness of their cause. With him eighty men and women suffered the like death; their city of refuge was levelled with the earth, and the bare mountain side upon which it stood became, in the popular belief, the haunt of fiends and the playground of whirlwinds and storms.[j]

Affiliation and correspondence of the heretical sects.

The affiliation of the protesting sects of France, Belgium, Germany, England, and Switzerland is admitted by the papal historians. Dulcinus is said to have recruited his party from among the erratic religionists who haunted those

[j] Dulcinus and his friends were burnt on the 1st of June 1307. His tenets and those of his party are worthy of a place in a note. According to the accounts of his persecutors, Dulcinus had collected his band of followers from the multitude of dispersed enthusiasts, which they admit to have swarmed in Italy, Switzerland, and Germany. *Bossuet*, in his "History of the Variations," &c., connects them with all those religious parties which, under the name of Cathari (Puritans), pretended to reform the churches by the example of a more severe purity of life and conversation. *Muratori* hesitates to believe in the enormities imputed to them by their enemies; he thinks that these charges arose out of certain Manichæan tenets detected in their philosophy favourable to the carnal vices imputed. Their practice of having all things in common gave a kind of countenance to the charge that they extended the community of externals to a community of women. The excesses and depredations to which they were driven by their enemies gave rise to the report that they taught as doctrine that the faithful had a right to take from the public—friend or enemy—all that was necessary for their bodily maintenance. There can be no doubt that they inculcated the supreme duty (after the example of the apostles) to forsake the world and to follow them, as the apostles followed Christ. They affirmed of themselves that there was nothing of a novel character in their association; that they were the lineal

countries in numbers perhaps exaggerated by the boldness of their protest, and the apprehensions of their enemies. Excepting in France and Italy, the Inquisition had made little progress in Europe. A short time only before the great schism had the institution been extended to the whole kingdom of France. It was repudiated in the duchies of Hainault and Brabant; and those provinces had become an asylum of the persecuted sects against the vigilance of the inquisitors. A numerous class of these Protestants, under the chieftainship of one Walter or Gualter, established themselves in the Netherlands under the name of Lollards,[k] whence they spread with extraordinary rapidity over many parts of Germany, Hungary, Bohemia, and Poland. A popular belief, encouraged by the clergy, imputed tenets of incredible immorality and irreligion to these heretics; the most offensive of which charges was an audacious denial that the church of Rome was the church of Christ, and an arrogant rejection of her ritual. To these impeachments it is added that they repelled the spiritual authority of vicious priests, and

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descendants of the first preachers of the gospel, and deduced a continuous pedigree from them. They denied that any earthly authority could absolve them from the duties of their Christian profession; they declared the excommunications and interdicts of the popes to be powerless to withdraw them from the apostolic life they had embraced, and that any ordinances of the see of Rome inconsistent with gospel-law ought to be cast aside by all true believers. They admitted, however, that as long as the Pope acted within the law he was entitled to obedience, and might issue ordinances and distribute the dignities and offices of the church. The principle of obedience so limited must have hung loosely about them. They rejected his character as guardian of the faith, and condemned the Inquisition as a suggestion proceeding directly from the inspiration of Satan. In fact, the unqualified adoption of the right of private judgment left little ground for church-authority to stand upon. Nor indeed is there reason to doubt that they believed their doctrines—if not its professors themselves—to be the subjects of divine inspiration, or that, as their enemies say of them, they indulged in vain speculations as to the end of the reign of corrupt popes and a degenerate clergy, the coming of Antichrist, the ultimate triumph of their leader over the powers of darkness, and the instalment of Dulcinus himself as the pure and holy pope, who should govern the church in righteousness and true holiness. They believed that they were the appointed instruments for the reformation of a church perishing through pride, luxury, and sensuality,—a belief cherished by every class of religious reformers that has appeared in the world. The reader will find two very interesting lives of Dulcinus by contemporary writers ap. *Muratori*, Ss. Rr. Ital. tom. ix. p. 425 et sqq.

[k] The name of Lollards was originally applied to a charitable association in Antwerp, and was afterwards applied to the followers of Wicliffe.

maintained that their ministrations were valueless; that every form of oath was unlawful, and that the church was extinct until *they* appeared to breathe into it a purer and holier life.[1] The alarm of the hierarchy at the rapid diffusion of these sects and their dangerous attacks on their character and functions—stimulated probably by the conscientious whispers of reform circulating within their own body—required little aid from the papal inquisition to urge them into active persecution. Walter, the leading spirit of the Belgian reformers, was seized and burnt at Cologne; and many of his followers met the same fate in the eastern provinces of the empire. It is probable that the tenets of the Lollards had to a great extent been adopted by the Minorite seceders. Cava and his party maintained that the efficacy of the sacraments depended upon the sanctity of the officiating priest; "for how," said they, "can *they* impart a blessing who by their evil lives have forfeited the right to ask a blessing?" In accordance with the Lollards he asserted the unlawfulness of oaths, and denied the jurisdiction of the bishops over the fraternity of St. Francis. The rule, he said, of the sainted founder of their community was so positive and absolute, that under that rule no friar Minorite could call any outward or material thing his own, even to the food, raiment, and shelter necessary to his physical existence; and that he could have neither house, home, nor nourishment, except what was supplied gratuitously and without solicitation. Under a profound conviction of the utter corruption of pope, bishops, and clergy generally, they came to the conclusion—common to most of the reforming sects—that they themselves were the predestined instruments for the regeneration of the church, and its restoration to that primitive and spiritual character which had been sacrificed to the carnal and political pursuits of the priesthood.[m]

[1] These accusations are repeated with zest by abbot Trithemius of Spanheim, towards the close of the fifteenth century. *Raynaldi* mentions that the German heretics were headed by one Henri Cava, a Minorite friar, to whom he imputes the particular heresy that the ministrations of vicious priests were worthless.

[m] See the bull of John XXII. ap.

The Minorite heresy. Efforts of the papacy for its suppression.

The dangerous tendency of these movements in the religious world was sensibly felt by the court of Avignon. John XXII. set on foot an active search for the offenders. Frederic king of Sicily was commanded to expel the protesting friars from his territories. The order was punctually obeyed; the puritans were turned out of their convents, and either took refuge in the rugged interior of the island, or became scattered over the adjacent countries. In the south of France the inquisitors made short work with the seceders, wherever they were to be found. Marseilles, Narbonne, and the chief cities of Languedoc witnessed the execution of numbers of the impenitent enthusiasts. But these punishments were ineffectual to quench the zeal of the sufferers. They regarded persecution as the seal of a true confession, and went to the stake in the joyful assurance that the fiery ordeal was a sure introduction to their great reward. Undaunted by the sufferings of their friends, the survivors collected their ashes; they revered them as martyrs; they inserted them in their calendars, and recited them in their litanies and services. They maintained that in these confessors and martyrs Christ himself was crucified afresh, and denounced the Pope and his inquisitors in their present dispositions as the foulest of heretics. The sufferers, though dispersed, were scarcely less dangerous than when collected in recognised communities. Without home or family ties, they contributed materially to strengthen the numbers and momentum of the growing secession. And indeed, so striking a concurrence of opinion upon some of the principal points insisted on by the swarms of seceders which haunted every region of the Latin world, from Sclavonia to the British Islands,

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Raynald. an. 1318, pp. 103-105. The Pope sums up their enormities under the following heads: 1. *Schism*, incurred by separating themselves from the source of religious truth (the Pope); 2. contempt of the authority of Pope and bishops; 3. denying the lawfulness of oaths; 4. *heresy* in denying the efficacy of the sacraments in the ministrations of vicious priests; 5. arrogance in vaunting themselves the only true servants of Christ, and the only observers of the gospel-law.

must have increased the influence of the latter, and added to the weight of their protest.

The controversy between pope John XXII. and the emperor Louis of Bavaria had, as heretofore noticed,[n] brought out the differences between the puritan friars and the church into high relief. Their champions, William of Occam, John of Ghent, and Marsilius of Padua, were pupils of the university of Paris. These men had vehemently denounced the persecution of the Minorite reformers; they had dared to set bounds to the powers of the papacy; they had appealed to the church catholic as a body independent of the Pope; they had questioned the spiritual prerogative of the Holy See, and condemned the selfish and secular spirit which governed its action. They had, in fact, assailed the foundation of the Innocentian scheme; they had reduced the functions of the pontiff of Rome to that of the simple president and moderator of the church-legislature; and denied his right to pass arbitrary censures upon a class of religionists who professed a righteous zeal for the reformation of admitted abuses in the church, and the more perfect performance of the duties of their own profession. These public rebukes served for the moment to aggravate the sufferings of the hapless friars. The rack and the faggot were ever at hand to refute facts notorious as the light of day; and Fraticelli,[o] Beguins, Apostolici, Lollards, Albigenses, and others were, with impartial severity, brought to the stake, in company with Jews, magicians, and necromancers. Heresy was a crime one and indivisible; it admitted of no gradation of criminality, nor any discrimination in the punishment.

William of Occam, John of Ghent, Marsilius of Padua, &c.

The persecution of the Fraticelli bore in one respect the character of a political movement. The cruel and ambitious Philip VI. of France was desirous of wounding his enemy, Louis IV. of Germany, through his partisans. William

Influence of dissent upon public opinion.

[n] Chap. ix. p. 419 (note *n*) of this vol.

[o] One of the names used to designate the protesting friars.

of Occam and his disciples had mainly encouraged the Germans in their resistance to the combined policy of the king and the Pope. The protectors of the Franciscan seceders had contributed to the disappointment of the designs of the French monarch, and had retorted the charge of heresy on the Pope himself. Both accordingly resorted to the familiar remedy with equal malignity; and the rack and stake were employed to consummate the work which the thunders of the church had failed to accomplish. But neither of these expedients proved effectual for the suppression of a movement springing from a source beyond the reach of temporal or spiritual tyranny. The opinions of the puritan seceders had made important progress in the schools and universities. The sciolism of pope John XXII. had come into collision with the speculations of the theologians. The doctrine of the pontiff on the subject of the "beatific vision"[p] shocked and surprised the schoolmen beyond expectation, and the theological school of the university of Paris[q] dared to declare the Pope to have lapsed into heresy, if he should persist in denying the immediate admission of the just made perfect into the presence of the Almighty. The menace concurred in point of time with the disparaging comments of Michael di Cesena upon papal infallibility. Writings and pamphlets to the like effect circulated with alarming frequency throughout Christendom. Thus, while a strong undercurrent of public opinion was setting in against the spiritual authority of the Pope, the strength of his accomplice and protector, the monarch of France, was decaying under the pressure of internal misgovernment and foreign war. The mendicant orders,—hitherto the devoted militia of Rome,—supported by the schoolmen, the universities, and theologians of note, had turned against him; while the partisans of the emperor Louis of Bavaria had emphatically denied his competency as the absolute and impeccable interpreter of the law of God and the church, and in the face of Christendom pro-

[p] Conf. chap. x. p. 439 of this vol.
[q] Known by the name of the "Sorbonne."

claimed him the patron and accomplice of the crying abuses prevailing in every department of church-government. These successive assaults fell almost simultaneously upon the aged pontiff, and led to a step perhaps more fatal to the papal power than any of the many errors of his reign,—a virtual, if not a verbal retractation of an opinion officially issuing from the chair of Peter.[r]

Papal attempts at reform; their character and failure. State of parties within the church.

During the reign of the honest and well-meaning Benedict XII. the attention of the Holy See was directed to the reformation of the worst abuses of papal government. The Pope was a rigid anti-nepotist, and a zealous reformer of the religious orders. The routine of persecution was suspended for a period of eight years; but at his death, in 1342, the work was resumed with Gregorian[s] energy by his successor, Clement VI. An offshoot of the Albigensian reform had taken root and raised its head among the recesses of the Maritime Alps. Strict orders were issued to the princes and proprietary nobles of Savoy and Piedmont to support the proceedings of the Inquisition by the aid of the whole of the civil and military powers at their command, with a view to drive back those stray sheep into the bosom of the church, or to hang and burn them, as circumstances might require. Hundreds of these inoffensive mountaineers perished; but the work was still only half done, and Innocent VI. suspended the persecution with a view to the more important task of plastering-up the wounds which Benedict XII. had endeavoured to heal. The cry for reform assailed the reluctant ear of the court of Avignon in a tone too loud to be wholly neglected. Innocent VI. revoked the numerous "reservations," "provisions," and "commendams" so profusely dispensed to favourites and minions of the French court by his predecessors; he strictly confined the prelates and endowed clergy to residence on their benefices, upon pain of excommunication. Still, no device to check this or any other profitable abuse could prevail against the cor-

[r] Conf. chap. x. p. 440 of this vol.

[s] Conf. chap. iv. p. 127 of this vol.

rupting influence of the French court, or the cupidity of the sacred college itself. Urban V., the successor of Innocent VI., was zealous for the moral reformation of monks and clergy. But within the eight years of his reign the call for reform waxed louder; the discontent of the severer churchmen with the servile position of the Holy See—the "Babylonian exile" of Avignon—concurred with the reproaches of the seceding sects to bring the deplorable state of religion and religious government to the broad light of day. Though no one denied the necessity of reform, the remedies proposed were, of course, as divergent as the opinion of parties in tracing the origin of the evil. The severer churchmen mourned over the decline of power which the church had brought upon herself by her manifold corruptions. Their remedy was the speedy return of the papacy to its natural home, and the example of a purer religious life; yet without relinquishing the machinery already in action for the suppression of dissent. Differing widely from the ultrapapal advocates, a large section of churchmen was disgusted with the absolutism of the Holy See. They traced the evil to the natural tendency of irresponsible power to abuse its trust. To this cause they imputed the slavish submission of the world to religious misgovernment; and the remedy they proposed lay in the restoration of that independent legislature under which the primitive church had thriven and prevailed. But in the mind of this section of the Latin community, as in the former, the monarchical principle was uppermost. They aimed at the purification, not the overthrow of the papacy—a purification to be accomplished through the remedial action of a general council of the church.[t]

Views of the radical reformers.

But a wider chasm—an abyss not to be bridged over—divided the third section of the Christian community from the two former. In their view nothing short of a radical change in the

[t] Conf. chap. ix. pp. 407, 409-411 of this vol. Even the Occamites and the Minorite seceders contemplated rather a limited spiritual monarchy than the abolition of the papacy.

principle of church-government could afford adequate security for religious or political liberty. Yet it appears pretty clearly that the leading spirits of this party —Wicliffe, Occam, John of Ghent, Marsilius of Padua, and, at a somewhat later period, John Huss—did not, in the first instance, contemplate so wide a departure from the existing system of Latinism. They would not have declined obedience to a constitutional pope governing in conformity with gospel-law, and subject to the legislative authority of the church. But upon the representative and vicarious character of the Roman pontiff they were at issue with both the Ultramontane and the Gallic parties.[u]

Persecution by pope Gregory XI.

As against this class of seceders there was no material difference of opinion between the two latter parties in the church. Their progress in England, Germany, Belgium, Bohemia, and in the remoter regions of Hungary and Bulgaria, was the subject of unfeigned alarm to both. Thus supported, pope Gregory XI. hurried on the officials of the Inquisition against the German and Belgian heretics. The dioceses of Magdeburg, Bremen, and Stettin, the provinces of Holland, Brabant, and the Rhenish circles of Germany, were the first fields of inquisitorial industry. The emperor Charles IV.,[v] the hierarchy, nobility, and magistrates of Germany, Poland, and Hungary were commanded to give all diligence to unkennel, to burn, and destroy the infamous swarm of Beguins and Lollards which threatened to leaven the whole body of the church with heretical pravity and infidelity.[w] But the sect which had always inspired the papacy with the greatest apprehensions dwelt, as it were, under the eye of the court of Avignon. Neither the unspeakable cruelties of the predecessors of Gregory XI., nor the

[u] We use these terms, which, though not in use till some ages after this period, very closely describe the difference between the decrees of the Sorbonne and the ultra-papal advocates of the age.

[v] Who enjoyed the enviable sobriquet of "King of the Priests."

[w] The same edict included those who had taken refuge among the Turks (who about this time had advanced their conquests to the banks of the Danube), and were reputed to partake of their apostasy.

unsleeping vigilance of the Inquisition, had sufficed to lay the ghost of the Albigensian protest. The spectral shade of that deadliest enemy of the Roman supremacy still reared its head above the crest of the Savoyan Alps; it haunted still the very scene of the martyrdom of its earlier champions,[x] and seemed to beard its persecutor in his palace. The archbishop of Toulouse and the inquisitors of Languedoc and Provence received strict orders to make diligent search for and to destroy the delinquents, their accomplices and protectors, wherever they might be found, or suspected; and this happy region once more echoed the groans of the rack, and the death-scream of the fire-tortured sufferers.[y]

Its results.

Without undervaluing the efficiency of unsparing and merciless persecution in particular localities, the general effect of the system is rather to disperse over a wider area than to eradicate the proscribed opinions; so that though thrown out of sight in one special area, the seed of dissent is scattered over a wider field in such wise as not, upon the whole, to diminish the crop: and there appeared at this precise juncture a suspicious indifference to the efforts of the Inquisition for the extirpation of heresy. The Albigensian seceders were reported to swarm in the provinces of Dauphiné and Vienne. But here the king's officers threw unexpected difficulties in the way of the ecclesiastical judges. They declined, without special orders, to take the oath demanded on entering upon their offices to place the civil powers at the disposal of the inquisitors for the suppression and punishment of heresy. An ordinance was consequently issued by the king, rebuking the backwardness of the civil magistrates, and placing them and the powers of their functions at the absolute disposal of the papal officers for

[x] There is sufficient reason to believe that Waldensian and Albigensian opinions had never been wholly eradicated in the provinces of Languedoc, Provence, and generally in the south of France—regions in which Protestantism made its earliest and greatest progress, and where it still maintains itself in numbers and respectability.

[y] Conf. *Raynaldi*, ad an. 1371, p. 137.

the furtherance and execution of their proceedings and sentences.[z]

Another feature of this alarming defection from the Latin system now presents itself to our consideration. It has been observed that great numbers of the proscribed sectarians had wandered far away from their native lands to the distant regions of the East. Of these one portion had availed themselves of the asylum which the regions lying on the southern banks of the Danube presented. That region, in consequence probably of the decline of the Greek empire under the incessant assaults of the Osmanlie Turks, presented a kind of neutral ground between the Christian and the Moslem peoples, and was then, as it still is, known by the name of Bulgaria; and thither many of the fugitives resorted for safety. From this their asylum they sent forth missionaries to propagate their opinions in France, Italy, the eastern provinces of Germany, in Poland, Hungary, and Bohemia. In the latter of these countries they met with abundant success; and in the year 1374, pope Gregory XI. was informed that sundry persons resident in the vicinity, or under the protection of the Turks, had imbibed the errors of Mohammedanism; that emissaries from these apostates had appeared in Bohemia; and that one Mileczius, a canon of the cathedral of Prague, had publicly taught from the professorial chair of the university doctrines closely resembling those of the Paterine, Albigensian, or Bulgarian heretics.[a] It was moreover reported that the offenders were numerous and confident, not only in Bohemia, but in Poland, Silesia, and the provinces of the Oder and the Vistula. On this information Gregory XI. dispatched strict orders to the

Dispersion of heretics; diffusion of heresy. Bulgarians.

[z] Conf. *Raynald.* an. 1373. It seems that the special object of the labours of these inquisitors was the detection and destruction of an heretical sect called "Turlupins." According both to *Hoffmann* and *Du Cange*, they were an offshoot of the Albigensian heresy.

[a] There is a singular confusion in the papal documents of the times in their descriptions of the prevailing heresies. But the most hateful features were generally selected from the endless list of enormities with which all heretics were held to be equally chargeable.

bishops of Prague, Olmütz, Cracau, Breslau, and even to the remote dioceses of Prussia and Livonia, to make diligent search for these "active agents of Satan;" and when apprehended, to cause exemplary justice to be executed upon them. At the same time, a requisition was addressed to the emperor Charles IV. to support the prelates and emissaries of the Holy See with the whole civil and military force of the empire.

Conflict of canon and common law —the *Saxon Mirror*.

What active proceedings were taken in pursuance of this mandate does not appear. But the documents connected with it disclose the fact that a strong leaven of discontent with priestly rule had been working for some time past among the people of northern Germany. An ancient collection of the laws and customs of the Saxon circles, known by the name of the *Saxon Mirror* (Speculum Saxonicum), was submitted by pope Gregory to the examination of a learned and zealous canonist. The compilation was consequently declared to contain matter "false, unjust, iniquitous, and heretical; contrary to canon law, dangerous to the salvation of souls, and injurious to the authority of the church." Though we might not be justified in drawing any more specific inference from this complaint, it is abundantly clear from it that the same struggle against the encroachments of the canonists was at work among the civilians of Germany as that which at the same point of time agitated the parliaments and courts of our own country.[b] The objectionable passages in the *Saxon Mirror* no doubt disclosed principles equally hostile to sacerdotal encroachment with the English statutes of mortmain, provisors, and præmunire, resulting from the rivalry between the civil and the ecclesiastical judicatures in our island.

Persecution of the Albigensians of the Alps.

But it had become in some sort a habit of the papal or high-church clergy to trace almost every heresy to an Albigensian source. A century and a half of incessant and acrimonious

[b] See the whole subject as it regards England treated in sections 8 and 9 of the writer's treatise on the "Position and Prospects of the Protestant Churches of England and Ireland," &c. Ridgway, 1851.

persecution had failed to root out the obnoxious opinions: fear and hatred had, during all that time, kept the Roman hierarchy in a fever of uneasiness and anxiety, ever on the watch to slake its thirst in the blood of real or supposed culprits. Thus, in the year 1375, pope Gregory XI. sent forth a committee of the inquisition, under escort of a body of soldiers furnished to him by the dukes of Anjou and Savoy, thoroughly to clear the valleys of Piedmont of those dreaded enemies.[c] The valleys, we are told, offered no resistance; and so numerous were the prisoners, that the inquisitors complained of the want of prisons spacious enough for the safe custody, as well as of funds for the maintenance of the captives, till they could be brought to the stake with due regard to the canonical forms. It happened in this case, as in that of the first Albigensian war,[d] that an inquisitor was killed by one of the sufferers. According to precedent, the duke of Savoy was commanded by the Pope so utterly to root out and destroy the whole brood of vipers and murderers, that no one of them should escape the rope, the sword, or the stake. Great as the destruction must have been, there is still sufficient proof of the continued existence of these undaunted witnesses on the same spot, and most probably in the identical religious persuasion, down to the present time.

The notices we have collected respecting the first awakening of the Latin world from the dead sleep of sacerdotal slavery prove to demonstration that the struggles and throes of the religious mind—extending, as they did, over the whole expanse of Latin Christendom—take date from an earlier period than is commonly allowed by the papal historians. It may also be taken for fact that these movements were not of that isolated, unconnected character usually ascribed to them. The incidents above alluded to bear strong testimony to a correspondence of opinion and feeling which could not

[c] See the bull and the rescript addressed to duke Amadeus of Savoy, ap. *Raynald.* an. 1375, p. 274.

[d] See the fate and canonisation of Peter de Castelnau, *Cath. Pet.* book xiii. c. 7, p. 534.

fail to produce a correspondence of plan and purpose. It is admitted by their enemies that the danger arose from the correspondence—or, in their language, "conspiracy"—which was carried on between the dissenting sects; a correspondence extending from the remote region of Bulgaria in the east to the British Islands in the west. Emissaries of the heretics were known to travel from country to country and from city to city: they are traced from the Albigensians and Dulcinians of France and Italy to the mouths of the Danube; and thence again through Hungary, Poland, Bohemia, Germany, to Belgium, northern France, and Great Britain. Yet in none of these countries was the contagion more sensibly felt and resented than in England.

Wicliffe the heresiarch of England.

While pope Gregory was busy slaying and burning all heretics within his reach, John Wicliffe, a doctor of the university of Oxford, had ventured, not merely to call in question the primacy of the Roman pontiff, but to cast doubt upon those special dogmas of Latinism from which the priesthood drew (so to speak) the breath of sacerdotal life. But in the case of Wicliffe, as in that of a majority of the reforming sects, the first alarm—the earliest shock to the religious conscience—was imparted by the evil lives of the papal clergy, and perhaps more immediately by the vices of the monastic orders. Like others of the same unsophisticated cast of thought, Wicliffe was at a loss to comprehend how the Holy Spirit could select for its dwelling-place a temple so polluted by venality and simony as that of Rome; or how its minions and favourites, who, by their sinful lives, had forfeited all title to spiritual gifts, could derive ministering powers from the ceremony of ordination. This original impression was strengthened by a close and devout study of the Scriptures. The contrast which the doctrine and practice of the Lord and his disciples presented to that of the bishop of Rome and his pupils, became more and more striking. The cause of the mischief appeared in a great degree attributable to the open, the almost unbounded, license extended to saint, relic, and image

worship—to the theory of transubstantiation, and the practice of the confessional. Wicliffe believed the root of these perversions to lie in the unscriptural absolutism of the Roman pontiff, and the indefensible closing of the only door to religious knowledge—the holy Scriptures—against the laity. His scepticism gradually extended to the whole mass of the Latin traditions wherever they were found to depart from, to add to, or to vary the plain meaning of the word of God. The direction of thought and feeling which the observations and studies of the English reformer had taken was in most respects identical with that which the like impressions had suggested to the minds of William of Occam, Marsilius of Padua, Dulcinus, and the Albigensian innovators of Germany and Italy; so that, though the religious movement to which he gave the first impulse in England appeared to be independent and spontaneous, yet the unanimity with which these objectors hit upon the same blots in the papal scheme is all the more remarkable even if we discard the idea of an intercommunication of plan and opinions. The disorders and corruptions of the Latin church formed in all these cases the earliest subject of protest—the first ground upon which the reformers took their stand in the progress of their assaults upon the papal scheme both in respect of doctrine and church-government. That the speculations into which even the most honest and sincere of the adversaries of Latinism were led should have produced divergences of opinion, and even errors and mistakes, was the natural consequence of emancipation from a yoke under which the natural exercise of the moral and intellectual faculties was proscribed, and was even construed into an inexpiable crime.[e]

Three years before the great schism caused by the double election of Urban VI. and Clement VII., and while Wicliffe was undermining the papal authority in England, there was born at the village of Hussinetz, in Bohemia, a person who in after-

Jerome of Prague and John Huss.

[e] In Dr. Pauli's History of England (vol. iv. pp. 688-698) the reader will find an interesting synopsis of the life and opinions of Wicliffe.

life turned out a no less formidable adversary of Rome.[f] Among other eager students whose thirst for knowledge impelled them to visit the then famous university of Paris, was a Bohemian layman of gentle birth, Jerome, surnamed "of Prague" from his birthplace. This person was by some few years junior to Huss. On a visit to England—probably to Oxford, which shared the celebrity of Paris—Jerome had studied and adopted the opinions of Wicliffe, and on his return to his native land had communicated them to his friend Huss, and, in conjunction with him, taught them from the professorial chair in the university of Prague.[g] This movement in Bohemia and the neighbouring kingdom of Poland had been—as already mentioned—set on foot by canon Mileczius of Prague, with a success which had alarmed pope Gregory XI. The soil had, therefore, been in some degree prepared for the innovations of the reformers. It must suffice in this place to state that, under their superintendence, the principles of reformation, initiated by Wicliffe, met with a general but premature reception. The seed they had sown did not come to maturity till a century and a quarter afterwards.

Synopsis: *immediate* causes of the call for reform.

It appears therefore, on the concurrent testimony of the friends and foes of reformation, that before the close of the fourteenth century a religious movement, adverse equally to the theory and the practice of the dominant hierarchy, had made startling progress over the whole area of Latin Christendom. It is obvious at the same time that this movement originated in the admitted corruptions of the priesthood and the dogmatic despotism of Rome. The reprobation of the observers was stimulated by the newborn spirit of inquiry and the prevailing taste for dialectic controversy, which, however superficial, set the hitherto dormant reasoning powers in motion. Thus it came to pass that the most

[f] John of Hussinetz, generally known by the name of John Huss, was born in the year 1373. Wicliffe had died in 1384, *i.e.* eleven years after the birth of Huss.

[g] *Lenfant*, Conc. de Constance, tom. i. p. 158.

honest and zealous adherents of the ruling church had been foremost in condemning the existing practices of the clergy and their leaders. The court of Rome had all along listened with fear and trembling to the complaints pouring in from friends and foes alike, and had strained every nerve to drown the clamour in the blood of all complainants within its reach. The orthodox universities of Europe—more especially that of Paris—had recorded their protest against those moral perversities which threatened the dissolution of the church and the ruin of the hierarchy. But they had taken a step in advance of this; they had given their countenance to the common opinion of the Christian world, which pointed to a *general council* as a controlling tribunal to which clergy and laity, popes and princes, were equally amenable; and to such a council they looked for the appropriate remedy for the abuses complained of, and the reformation of the church in its head and members.

Primary causes, &c.

It may be interesting and useful to look back for a moment to the *primary causes* of the diseases of the church which had awakened and alarmed all both within and without the pale of the Roman communion. The most general of these causes is to be sought in the ignorance of the clergy, operating on the still more profound ignorance of the laity. Education, such as it was, had fallen wholly into the hands of the former, and had sunk under their auspices into a vain repetition of forms impressed on the memory, without sharpening the intellects or improving the morals of their pupils. Religion and morality were neither thought of nor taught in connection with each other further than suited the loose conceptions and the still looser lives of the teachers. If such was the character of the education bestowed upon the masses, that of the clergy themselves differed only in the amount of matter crammed into their heads, with equally little encouragement to turn it to any useful or profitable purpose. The method of instruction was altogether servile; the authority of the pedagogue

and the text-book was rigidly substituted for thought and criticism; and the love of empty disputation was put in the place of an earnest search after truth. The pupils of the great theological colleges were imprisoned within the narrow barriers of casuistry, thus converting the battle of the spirit in the cause of truth into a sham fight for the barren victories of the schools. By this process the instructors had succeeded in gradually perverting the whole order and proportions of sin and crime; attenuating some, and enhancing the guilt of others, as it suited the temporal interests of the church in dealing out its censures and its beatifications. Teachers and pupils, clergy and laity, were launched upon the world with no steady principle, moral or religious, to guide them in the choice between good and evil; a state of mind singularly favourable to sacerdotal government. For thus the laity were prepared to submit to and sanction the course marked out to them by the precept and example of their teachers, to adopt their prejudices and enmities, and to tolerate or imitate their corruptions without conscientious misgiving.

The first impulse to reform.

If such was the primary cause of the evils to a sense of which the church was gradually awakening, it may be safely said that the migration of the papacy from Rome to Avignon had given a scope and an impulse to the abuses of power such as they had not expanded to at any previous point of time. The popes of Avignon had surrendered themselves as the simple instruments of the vices and ambitions of the court of France; and they in their turn were permitted to gratify their own cupidity, and that of their constituents, at every sacrifice of political justice and moral rectitude. The more deeply they sank into the mire, the more bitter their animosity against all who exposed and rebuked their misdeeds. The brand of heresy—a word which was understood to include the guilt of every sin, mortal or venial, in the catalogues of human depravity—was ruthlessly stamped upon all who dared to lay bare the vices of the church and its chiefs. But to such a state of things there is fortunately a limit.

With an increased activity in the minds of men, with the advances of knowledge and civilisation, the religious sense of the public began to assert its rights. Thus, while those who contemplated the church-constitution solely through the dark medium of the follies and vices of its ministers were ready to cry, "Down with it to the ground!" they to whom the church was a religion were equally prepared to call for reformation in its head and members, as the only refuge from impending ruin.

CHAPTER XIII.

DECLINE OF THE PAPAL SUPREMACY IN ENGLAND.

Rome and England at the death of Henry III.—Views of Pope and King—The laws of England *versus* the Pope—Ancient state-law of England—Antagonism of law and canonism—The pallium—Confirmation-fees—Depredations upon church property—Financial scheme of Rome in England—Joint plunderings of the church by Pope and King—Modes of taxation—Evils, and first steps to reform—Grievances; the statute of "provisions"—System of licenses—Petitions of parliament—Richard II. promises relief—Further presentments to Richard II.—First statute of "præmunire"—Second statute of præmunire—Defects of these statutes, and perpetuation of abuses—Reformatory statutes of Henry IV. and Henry V.—Jurisdiction of the king in ecclesiastical matters—Constitutional remedies, &c.—The great conflict of law and canonism—Jealousy of Roman intervention, &c.—Progress of administrative reform in England.

Rome and England at the death of Henry III.

A FORMER section of our narrative brought down the history of the Roman connection in England to the death of Henry III. In relation to the holy see, the kingdom was described as in a condition closely resembling that of a satrapy of an oriental monarchy. As the vassal of the holy see, the king of England was regarded at Rome as liable to serve the Pope in his wars, either in person or by such pecuniary aid as might be deemed a proper equivalent for such service. He was held bound, in his political capacity, by the rules of the canon law in all matters in which the Pope or the clergy might be interested; and this notwithstanding any state-law, custom, or privilege to the contrary. He was, moreover, regarded at Rome as the executive officer of the holy see, to carry out all orders, regulations, and administrative acts for the government of the church the Pope might deem necessary; more especially to give effect to the general taxes, such

as tenths, reservations, expectatives, provisions, annates, first-fruits, and all other dues and duties the Pope might from time to time think fit to impose; and for that purpose to protect his (the Pope's) collectors and agents with the whole civil power of the kingdom.

Views of Pope and King.

During the unfortunate reign of Henry III. these views had been in a great degree brought into practical operation;—on the part of the King rather as a matter of bargain; on that of the Pope, as the best mode of remunerating his vassal, and pocketing the largest possible share of the spoils of church and state.

The laws of England *versus* the Pope.

But there was a power in the background independent of King and Pope—a power resting on the ground of national legislation and established usage—which, though it might be overborne for a time, could neither be abrogated nor erased from the memories of the people. The statutes of Clarendon, Magna Charta in its several editions, the provisions of Oxford, and other legislative acts restrictive of the powers both of crown and Pope, were still fresh in the affections of the people, and firmly established in the doctrine and practice of the ministers of the law. But as any history of the conflict between canonism and the law of England, however compendious, would swell the narrative beyond the bounds which the age and leisure of the writer permit, it is proposed to enter upon the subject only to the extent necessary to point out those elements of national power which enabled the people of England to check the invasions of foreign tyranny, and to rebuke the abuses of curial ambition and cupidity. This plan will, at the same time, answer the purpose of illustrating that process of decline to which, in the progress of civilisation and education, every despotic system of government is naturally exposed. No kingdom of Christendom had fallen into such profound disgrace under the yoke of Rome—no realm of the Latin communion had submitted so patiently to the exhaustive taxation, to the insolent contempt of its laws and customs, and the impertinent interferences of the holy see

in its internal government. Yet in none was there a richer store of legislative principle and provision at hand to encounter monarchical and sacerdotal encroachment. The gradual advances of constitutional government necessarily involve the simultaneous advance of civil and religious liberty, and tend to the dissolution of the ordinary conspiracy between the spiritual and the temporal despots against the legal and religious rights of the subject. The kings of England were deluded by the reiterated assurances of Rome into the belief that no human laws could operate to restrict the powers conferred upon them by God himself for the service of his church. That they adopted the principle, but occasionally forgot the condition, was the necessary consequence of the irksome services demanded. But these recalcitrations brought no advantage to the subject; and the people of England were abandoned to their natural intelligence and the precepts of established law to work out their own salvation. The earlier steps in the process, subsequently to the death of Henry III. down to the period of the councils of Pisa, Constance, and Basle, form the subject of the following chapter.

Ancient state-law of England.

The constitutions of Clarendon represent the state of the law in ecclesiastical matters from the Norman period of English history at the latest. They form a declaratory statute asserting and roughly defining the rights of the crown and the subject in reference to the church patronage, and upholding the independence of both as against any foreign power.[a] Magna Charta establishes a principle of personal liberty inconsistent with the demands of the canon law upon the secular government in cases of ecclesiastical offences, more especially of heresy or rebellion against the holy see. Accusations of the latter kind were regarded by the court of Rome as superseding municipal or national law, and, of course, depriving the accused of the advantage of a speedy or a public trial. In all such cases princes and magistrates were inexorably required to set

[a] See *Cath. Pet.* book xii. c. vii. p. 216.

aside every maxim of common or municipal justice, and to become themselves the greatest law-breakers.[b] It was an unfortunate circumstance that the great charter of liberties was extorted from king John by an unhappy alliance with Rome; an alliance which began and ended in the degradation of the crown, and a great extension of the papal demands upon the services of the state and the property, the rights, and liberties of the subject.

Antagonism of law and canonism.

Yet it may be observed, that notwithstanding these encroachments the law of the land was in no wise compromised. There was no alliance between the national legislation and the law of Rome. All that can be said is, that the practice of our laws was impeded and obscured by the efforts of the canonists to reduce it to submission under, or to render it ancillary to, the Roman canons. To some extent indeed they were successful; still, whenever any abuse became intolerable, a legal principle was at hand to strengthen remonstrance, and to save the law of the land from a contaminating association with canonism.[c] Thus at the council of Lyons in 1245, Henry III. presented a strong remonstrance to pope Innocent IV. against the crying abuse of appeals to Rome, and alleging the law of the land against the unlicensed intrusion of papal legates into the kingdom. This abuse was not provided against by Magna Charta; but Edward I. revived the law as it stood under the constitutions of Clarendon;[d] that is, it took away all jurisdiction but that of the common law of the church of England in ecclesiastical suits. But at Rome no secular statute or custom was ever allowed to avail in derogation of the "plenitudo ecclesiasticæ potestatis." The practice of prior popes—more especially

[b] Conf. artt. 38-40 of Magna Charta, *Rymer's* Fœdera, tom. i. Rot. Parl. 141.

[c] It need not be denied that some distinctions both of the canon and Roman law had found favour with the legislators and lawyers of the day; but they were introduced rather for the purpose of defining the boundaries of ecclesiastical and secular law than with a view to give the former any advantage over the latter.

[d] If the insertion of a clause forbidding appeals to Rome had been attempted to be inserted in Magna Charta, the barons would at once have forfeited the sympathy of Rome. But they were mistaken in believing that they could command the like sympathy against the vassal- as against the rebel-king.

that of Gregory IX.[e]—was pursued by his successors with unabated rigour; all forms of election were set aside; and the court of Rome continued in various ways and forms to give away the richest benefices in the kingdom to its own foreign favourites and dependents.

The pallium: confirmation-fees.

We may here recall to the memory of the reader a noticeable expedient of the church of Rome to break the neck of resistance on the part of the superior clergy, and to bring them bound hand and foot to the footstool of the pontiff. The invention of the pallium,[f] a very ancient symbol of the metropolitan dignity, was made subservient to that purpose. Though originally it had no other significance than that of a cordial union and brotherly love between the supreme and the inferior dignitaries of the church, it became in process of time, and in keeping with the uniform policy of Rome, an essential element in the title of the metropolitan prelate—a mode of conveying such a share of the plenitude of the apostolic authority residing in the see of Peter as was deemed essential to the canonical exercise of the archiepiscopal function. Since the Conquest, every archbishop of Canterbury or York had sued out his pallium from Rome—most frequently in person. At a very early period[g] the popes began to annex to the delivery of the pallium a specific oath of temporal allegiance to the holy see. Within little more than a century from the Conquest, the same oath was exacted from *all* bishops and abbots, in addition to the *money-price* usually demanded for the papal confirmation. The terms of this oath are a verbal transcript of the oath taken by the feudal vassal to his superior lord, or by subject to sovereign.[h] The primitive grants of the pallium had imposed no personal attendance on the part of the receiver. But in process of time, not only were metropolitans, but bishops and abbots, com-

[e] See the bull of Gregory IX. ap. *Matt. Paris*, pp. 299, 300, with M. Paris's remarks.

[f] Vide *Cath. Pet.* book iii. c. 7, pp. 219, 220.

[g] The first case on record is that of Radulphus, archb. of Canterbury, A.D. 1115.

[h] *Matt. Paris*, ed. Watts, p. 349.

pelled, under grievous penalties spiritual and temporal, to appear before the Pope in person to sue for confirmation; and with that view several severe canons were enacted in the great Latin councils of 1215 and 1245.[i] These ordinances answered the double purpose of extending the papal jurisdiction, and enriching the camera by an organised system of assessment and collection.

Depredations upon church property.

Thus, under the careful nursing of the canonists, the papacy was fast growing into maturity, and assuming the attributes of a temporal sovereignty, with a territorial revenue commensurate and coextensive with its spiritual dominion. This end was to be accomplished by the systematic disparagement and subjugation of the metropolitan jurisdiction; by fettering archbishops and bishops with an oath of fealty inconsistent with their temporal allegiance; by removing abbots, priors, and conventual establishments generally from episcopal control; by throwing perpetual impediments in the way of the common law of the church through the intervention of "legates à latere," invested with powers issuing directly out of the "plenitude of ecclesiastical power," and superseding all other authority; but more effectually still by taking advantage of the internal distempers of the state. By arraying king against nobles, and nobles against king, the court of Rome had succeeded, first, in wresting investitures out of the hands of the sovereigns of her communion, and afterwards in appropriating all the richest and most important benefices in England as in other European kingdoms.

Financial scheme of Rome in England.

The earliest financial claim of Rome upon England was based upon the payment of "Peter's-pence." This payment arose in the Saxon era, and was regarded strictly as an eleemosynary offering from the monarch and his subjects for the benefit of their souls.[j] Some of the earlier English writers described this contribution to

[i] The general council of the Lateran (1215), and that of Lyons (1245).

[j] See *Hoveden* "De denario S. Petri, qui Anglice dicitur Romescot." *Savile* p. 603.

the necessities of the spiritual mother as the "tributum S. Petri." The canonists improved upon the idea suggested by this designation, and contended that the payment implied an acknowledgment by king and people that he and they were "tributarii S. Petro et ejus successoribus."[k] The antiquity of the payment, the unfrequent interruptions never amounting to a denial of the charitable obligation, connected with the positive surrender of his crown by king John, might furnish a case for argument; especially upon canonical principles, in which the most trivial presumptions of fact or tradition were habitually substituted for the conclusions of law and reason. In the course of this narrative it has been shown that upon no principle of national law was king John empowered to alienate his crown to a foreign prince. The spirit of the canon law, however, transferred all the rights of the subject to the sovereign, with a view to the more easy re-transfer of both under the direct dominion of the holy see; and, in fact, after the surrender of king John the popes found the task of fleecing the new dependency much easier than before. The influx of collectors and agents of Rome and her favourites became every year more numerous and burdensome.[l] England was regarded by the popes as an ever-open purse. She was exposed to perpetually-recurring demands upon her resources for carrying on the private wars of the pontiffs and the hunting down and ruin of their political opponents. The churchmen, it is true, were the greatest sufferers in amount; but inasmuch as full one-third of the productive lands of the country were in the possession of the clergy, the pressure from above was felt by all below with even greater severity than by the immediate contributors; while the drain of the circulation

[k] *Twysden*, "Historical Vindication of the Church of England," p. 74. William of Malmesbury says that the envoy of Henry I. to Rome in the cause of Anselm of Canterbury, acknowledged "Angliam peculiarem esse Romanæ ecclesiæ provinciam, et ei quotannis tributum pensitare." *Guliel. Malmsb.* ap. Savile, p. 226.

[l] Thus *Matt. Paris*, an. 1206, p. 170: "Johannes Ferentinus, apost. sed. legatus veniens in Angliam, eamque perlustrans, magnam pecuniæ summam congessit . . . quo facto, sarculis cum magna cautela dispositis, et prudenter commendatis, festinus viator ad mare perveniens, Angliam a tergo salutavit."

crippled the trade, and impeded the industry of all classes. In most cases the churches were compelled to submit; but when the turn of the laity came round, the popes found that the latter had by no means comprehended the terms of the surrender; and that they had in no sense admitted the tributary obligation implied in that shameful transaction.

Joint plunderings of the church by Pope and King.

But at Rome the precedents established were amply sufficient for the canonists to work upon. A *bonâ fide* conviction was entertained there that England was part and parcel of the patrimony of St. Peter, and the patience of the curia was severely tried by the opposition they encountered in drawing *ad libitum* upon the purses both of clergy and laity.[m] But English law and its ministers took as little notice of their claims as they of any other law than their canons and the practice of the camera; and the pontiffs were driven to irregular—and perhaps on that account more vexatious—modes of filling their coffers and satisfying the insatiable cravings of their creatures and dependents. But inasmuch as at that period of English history no material obstacle existed to the establishment of an understanding between the King and the Pope for a participation in the spoils of the church and the lay patrons, the court of Rome encountered no serious difficulties in appropriating the lion's share of the plunder. Thus, throughout the long reign of Henry III., the transfer of benefices from king and patrons to the curia—the extortions for the pallium—the exorbitant fines for confirmations—the frequent appeals, and the expensive journeys to Rome incident to those proceedings—though they may have led to some ostensible efforts to pacify the sufferers,—brought with them no effectual relief.

Modes of taxation.

This system of extortion existed without material modification throughout the reigns of Edward I. and Edward II. With the connivance or participation of the crown, provisions, expectatives,

[m] *Matt. Paris*, an. 1229 and 1240, pp. 304, 305, and 469.

reservations, transferred the most lucrative endowments to papal nominees.[n] The popes continued to levy Peter's-pence, first-fruits,[o] annates, or tenths,[p] under the protection of the king. The kingdom swarmed with the proctors and collectors of the Pope and his grantees for the assessment and recovery of these imposts; generally disbursing a share of the spoil to their royal accomplice.

Evils, and first steps to reform.

But with the reign of Edward III. a better era dawned upon the church and commonwealth of England. The publication of papal bulls had proved an irksome impediment to the due administration of justice: excommunications and interdicts against princes and ministers of the crown; the numberless bulls for provisions, reservations, survivorships, annuities, and other illegal imposts established in violation of the common and statute law of the land; the incursions of proctors and collectors; the practice of interfering with the ordinary course of government, and by the device of legates à latere pushing the sovereign and the primate from the seat they had always occupied in the ecclesiastical synods of the realm; the frightful results of the immunity from secular responsibility claimed by the canonists for the clergy; and lastly, the drain of specie out of the country to enrich the favourites of a foreign court—all these indignities operated at length to recall the attention of king and people to the violated laws of the land, and to convince them of the necessity of preventing the pernicious system which had grown out of their own superstitions and discords from overgrowing, and in the end extinguishing, their laws and liberties.

[n] We observe that a "provision" in technical acceptation was an annuity or rent-charge out of any ecclesiastical estate for the benefit of any dignitary or client of the holy see. An "expectative" was an arbitrary assignment of survivorship to any living or benefice, whether in the gift of the crown or private patron. A "reservation" was a similar invasion of public or private right without a specific "designatio personæ," so as to keep the benefice open until it suited the Pope to appoint to it; the *latter taking the revenue during vacancy.*

[o] A sum of money equal to the first year's income in the hands of a new incumbent.

[p] Tithes of the annual revenue of all sees and livings.

Grievances. The statute of "provisors."

There is no principle of the old common law of England clearer than that no papal bull could be brought into the country without the express permission of the sovereign.[q] Edward I. was with difficulty persuaded to spare the life of a person who had ventured to introduce a bull calculated to create disaffection in the kingdom. His grandson, Edward III., put to death several persons for the like offence.[r] In the reign of the latter of these princes the complaints of papal extortion had—as in France and Germany—become louder and more clamorous. Among the lists of grievances exhibited in the rolls of parliament under that king, none appears more frequently than that of papal 'provisions.' The king himself became indignant at the surreptitious abstraction of presentations and advowsons which had been at all times, and still were, the legal property of the crown. In the sixteenth year of his reign he addressed a notification to pope Clement VI. (of Avignon), that it was the law and custom of England that all elections to vacant sees should take place with the consent and in the presence of the king. In the parliament of the twenty-fifth year of his reign the commons condemned papal provisions as an unlawful impost; they complained to the king that the court of Rome had, by illegal bulls for such imposts, as also by reservations and other devices of the same character, contrived to appropriate all the richest abbeys and priories, all the prebends of cathedral and collegiate churches, and all the best benefices in the kingdom.[s] This remonstrance produced the first statute of "provisors."[t] The preamble recites that the Pope had "accroached" to himself not only the presentation to, but the sovereign lordship over, bishoprics, abbeys, priories, benefices, and religious foundations of all kinds:

[q] See the proceedings against the bishops of Norwich and London for interdicting the lands of Hugh earl of Chester, in obedience to a bull of pope Alexander III. (1164), in contempt of the constitutions of Clarendon. *Matt. Paris*, pp. 86, 87.

[r] *Twysden*, p. 67; *Walsingham*, Hist. Angl. an. 1358, p. 145, ap. *Camden*, Anglia, &c. p. 522, ed. Frankf. 1602.

[s] *Rot. Parl.* 25th Ed. III., ed. Record Comm. ii. p. 228.

[t] It is annexed to the roll, ibid. p. 232.

that he had given and granted the same to aliens not domiciled in the country, and to cardinals who could not reside there, in the same manner and as fully as if he were in rightful possession of the patronage and advowsons of the said dignities and benefices, *contrary to the law of England*, and to the damage of the rightful proprietors; in such wise that, if such practices be allowed to prevail, there will not remain a single living in England which by such devices shall not have fallen into the hands of aliens and strangers, against the intention of the founders, to the ruin of the church of England, the disinherison of the king and his heirs, as well as of the nobility, the patrons' and founder's kin; to the scandal and *overthrow of the law and practices of the realm*, the great damage of souls, and the ultimate ruin of the kingdom." It was accordingly enacted that the chapters of cathedrals, abbeys, and collegiate churches shall in all cases apply to the crown for a *congé d'élire*, and present the clerk of their choice to the king for his approval.

System of licenses. Petitions of parliament.

Subsequent statutes were passed *in pari materiâ* in the 27 and 28 Edward III.; but in all these enactments there was one fatal blot. The king could not afford to part with his share of the plunder of the church. The power to legalise papal bulls by his license remained unchanged in his hands. He was still enabled to carry his patronage to market; the Pope was a willing purchaser at wholesale prices; and whatever the financial advantage to the crown, the subject derived little or no relief from the statutes of provisors. It is true that Edward III. had come to an understanding with pope Gregory XI.[u] that no reservations should be made in England; but this concordat led to no diminution in the numbers of proctors and foreign collectors who haunted the land. The parliament therefore petitioned the king to send that host of marauders out of the country, and to forbid both Pope and cardinals to maintain proctors or col-

[u] He sat from 1370 to 1378. He removed the seat of the papacy from Avignon back to Rome.

lectors in England upon pain of life and limb to all who should be found acting in that capacity.[v] The petition sets forth the evils consequent upon the papal encroachments upon the rights of the crown and the people in terms of the severest reprobation. It recites the origin of the endowments of the church of England, and the privileges of patronage by law annexed to these gratuitous benefactions, then amounting to more than *one third part* of the kingdom. As long, they said, as the elections remained in the hands of the kings and benefactors, the revenues were applied—as they were intended to be—to the maintenance of the public worship, the repairs of the churches, in charity and almsgiving; those revenues, instead of being squandered abroad, were expended where they arose, and made to contribute to the promotion of trade and agriculture: but when those good customs were set aside by the Popes, the kingdom fell into all manner of adversities, so that in the end there remained scarcely one third part of the population or the wealth it once possessed. The court of Rome, they declared, had so subtlely, by little and little, advancing from less to more, in process of time drawn to itself the collation to bishoprics, abbeys, dignities, livings, and other benefices, that now the incomes derived from them amounted to more than five times the revenues of the crown; of these revenues the Pope contrived by various modes and managements to obtain a large share: thus, for every benefice so given away, he reserved to himself a tax or sum of money out of the proceeds, in such wise that if a bishop die before the payment of the sum assessed, that sum is levied, together with a second, upon the successor: then again, with a view to make a pretext for more taxings, the Pope, by means of translations, makes two or three vacancies out of one translation, levying a separate tax on each occasion; so that when a bishop has got his bulls, he often finds himself so much in debt, that he is obliged to cut down the woods of his see, to borrow at interest, to levy aids upon his poor tenantry,

[v] *Twysden*, pp. 62, 64; 50th Ed. III.

and subsidies from his clergy, to pay his debt to the Pope.[w]

Richard promises relief.

King Edward III., however, died in the year following this presentment. Within four years of his death (3d Rich. II.) the commons repeated their remonstrances. The enactments of the preceding reign, they said, had resulted in no real benefit to the country; the reigning pope Urban VI.[x] had granted priories and benefices in England to alien cardinals, the proceeds of which were carried out of the country; that he had sold reservations and expectancies to other aliens, as well as rent-charges upon the revenues of English benefices by way of provision for non-resident incumbents. The reply of the king to this presentment did not fully answer the expectations of the commons. Richard II. promised that no foreign agents or collectors in the employment of the Pope should be permitted; that no more money should be remitted to the alien beneficiaries; and that all persons convicted of disturbing the presentees of legitimate patrons should be at the king's mercy till they should have made due fine and redemption to the king, and compensation to the party injured.[y]

Further presentments to Richard II.

But the prodigal and needy prince could not afford to part with the share of church plunder he was allowed to enjoy. The evil of licenses was unabated; and in the seventh year of his reign a remonstrance similar to the foregoing was addressed to the king in parliament. In reply to this presentment, Richard desired the commons not to molest him further with petitions on the subject of licenses, but promised for the future to be more circumspect in granting them.[z] The evil had attained to vast proportions during the reign of Henry III. Within the three following reigns there had been no diminution in the

[w] *Rot. Parl.* 50th Ed. III., n. 94, Records, ii. The petition goes on to expose the vile traffic in benefices, provisions, reservations, &c. of the corrupt court of Avignon, as carried on by papal brokers, usurers, proctors, &c.

[x] England adhered to Urban against his rival Clement VII.

[y] *Rot. Parl.* vol. iii. p. 82, col. i.

[z] Ibid. 7 Rich. II. n. 54, vol. iii. p. 163.

amount of money sent out of the country, or appropriated by the crown under favour of licenses. So late as the last year but one of the reign of Edward III. (A.D. 1376), the commons complained that the drain of money arising out of this abuse was greater than the cost of all that prince's wars. They alleged that the Pope's collector, besides maintaining a state equal to that of royal duke, sent 20,000 marks to Rome for procuration of abbeys, priories, first-fruits, &c., and as much more to cardinals and other foreign clerks beneficed in England; besides what was remitted to English clerks residing at the court of Rome, to solicit the affairs of their clients and principals at home. Certain cardinals, they said, though notorious enemies of the king and kingdom, had procured expectancies to several benefices in the provinces both of Canterbury and York; and that the Pope's collector, besides living upon the people's money, was in fact a mere spy to pry into the secrets of the state, and to report all vacancies in the church to the curia, with instructions to ascertain the rack-rents upon oath, whereby they were enabled to raise them beyond the customary valuations, and thus to increase and facilitate the collection of the first-fruits of all the dignities and livings in the kingdom. On these grounds they petitioned the king to send all foreign clerks and incumbents out of the kingdom, and to prohibit his native subjects from acting *without the royal license* as proctors, attorneys, or farmers to any alien, upon pain of life and member, forfeiture of goods and chattels, and of being dealt with as common barrators and robbers.[a]

Throughout the reign of the feeble Richard II. the public discontent went on increasing. In the tenth year of his reign—the ninth of Urban VI.—the king inhibited the newly-elected abbot of St. Augustin of Canterbury from going to Rome for confirmation. The abbot made his

First statute of "præmunire."

[a] *Rot. Parl.* 51 Ed. III. n. 36, Rec. Comm. vol. ii. p. 367; and see *in pari materiâ* the petitions of 1 Rich. II. and the 3 and 5 Rich. II. *Rot. Parl.* pp. 124, 125.

excuses to the Pope on that ground. Urban laconically replied, "Your king commands you to stay away; *I* command you to come." It was at the same time intimated to him that there were substantial objections to his election. To encounter these, the abbot disobeyed his temporal, in deference to his spiritual superior, and went to Rome, where, under various pretexts, he was detained for three whole years. But, as if this insult had filled the measure of papal contempts, the statute of the 13th Rich. II. was passed, which denounced the penalty of "præmunire,"—perpetual imprisonment, forfeiture of life and limb, lands and tenements, goods and chattels, and to be at the king's mercy,—against all persons convicted of bringing into the kingdom, after the 20th of January 1389, any bull from the Pope for conferring dignity or benefice in England, or serving any summons or sentence of excommunication for disobeying such bulls.[b]

Second statute of "præmunire."

The vagueness and ambiguity of this statute led to the more specific law of the 16th Rich. II. c. 5, now generally known as "*the statute of præmunire*," restoring the jurisdiction of the king's courts in all questions of advowsons, presentations, and the temporal incidents of ecclesiastical estate and dignity; and it recites, that whereas the Pope hath frequently awarded processes and sentences of excommunication against prelates and others for executing judgments given in the king's courts, and hath assumed power to cite prelates and others out of the realm, and to translate them from one see or benefice to another, to the detriment and danger of the royal prerogative, &c.; it is enacted that any person whatever purchasing or suing out, or causing to be purchased or sued out, at the court of Rome or elsewhere, any such citation, process, sentence of excommunication, bull, instrument, or other writing, bringing the same into the kingdom, or receiving or making notification, or doing any act in execution thereof *within or without*

[b] *Rot. Parl.* 13 Rich. II. n. 2, 3, Rec. Comm. vol. iii. p. 266.

the realm; such persons, their notaries, proctors, maintainers, abettors, and counsellors shall be put out of the king's protection; their lands, tenements, and goods shall be forfeited to the king, and their bodies shall be attached and brought before the king in council; and that thereupon process be awarded against them by writ of "*præmunire facias*," in manner as it is ordained in the statute of provisors (25th Edw. III.) and other statutes against those who act in derogation of the royal crown and dignity.[c]

Defects of these statutes. Perpetuation of abuses.

But this statute appears to have been passed with the view rather to protect the rights of the crown than to secure those of the subject.[d] The king was still at liberty to make the best bargain he could with the Pope; and inasmuch as the constitutional powers of taxing themselves was in the hands of the clergy, the court of Rome had only to assess the amount, and to come to terms with the crown, to secure the assent or connivance of the latter, and to carry off its share of the plunder.[e] The fact is pretty clear that neither the statute of "provisors" nor that of "præmunire" stood materially in the way of this fraudulent practice. Though *foreign* agents and collectors might be objected to, the trick could be performed as cleverly, and even more conveniently, through *native* agents. Since their emancipation from direct feudal dependence upon the papacy, the kings of England had carried on the game with remarkable dexterity. Whenever they found the court of Rome difficult to deal with, they threw themselves back upon the common law. They declined, for instance, to exempt the clergy from the jurisdiction of the *curia regis*. But as no consideration drew closer the bond of union between them and the court of Rome than their arrogated exemption from secular jurisdic-

[c] *Statutes at Large*, vol. ii. p. 85.

[d] It is observable that those charges which pressed most severely upon the beneficiaries, such as confirmations, annates, first-fruits, &c. are not touched upon.

[e] Contrary to the statute of "provisors" (25 Ed. III.), Richard II. declined the petition of the commons to send the Pope's collector out of the kingdom. *Rot. Parl.* 13 Rich. II. p. 270.

tion, the kings were enabled to play off their prerogative against the Pope by impeding communication with Rome, and visiting disobedience through the instrumentality of their own courts. Under these circumstances it was not difficult to arrive at a general understanding; a share of the plunder was better than nothing; and the evil continued unabated till the accession of the house of Lancaster to the English throne.

Reformatory statutes of Hen. IV. and Hen. V.

All this time the special grievance complained of was the still subsisting evasion of the law by the licensed or unlicensed introduction of papal bulls into the country. In the reign of Henry IV. the court of Rome was found to have taken advantage of the weakness of the kingdom under the improvident Richard II. to commit serious inroads on the patronage of the crown as well as on that of private patrons and incumbents. Under colour of the visitatorial jurisdiction, the popes had quashed the appointments of the king, no less than those of his subjects, and vested their own nominees for their personal benefit, or that of courtiers and favourites. In the ninth year of Henry IV. a statute was therefore passed[f] invalidating all such proceedings, and confirming the appointments of the rightful patrons. Again, in the third year of Henry V. a remarkable act of parliament was passed, showing that neither the crown nor the legislature had thought of relinquishing those general powers of ecclesiastical superintendence with which the law of the land had clothed them. It was thereby provided that during the then vacancy of the holy see,[g] all archbishoprics, bishoprics, abbeys, &c. within the king's prerogative of appointment, as well as all livings or benefices in that of private patrons, should be good in law without the papal confirmation. The 3d Henry V. c. 4, at length took away the pernicious power of granting licenses; and it was thereby enacted that no licenses for provisions should be available against any clerk

[f] *Rot. Parl.* 9 Hen. IV. pp. 614, 615.

[g] In the twenty-fourth year of the great schism in the Latin church.

then possessed of a benefice, and that all such instruments antecedently issued should be deemed void and of non-effect. From this period the nuisances of provisions and reservations were legally, if not always practically, got rid of.

Jurisdiction of the king in ecclesiastical matters.

Adverting to a distinction, familiar to the Roman canonists, between the *internal* and *external* jurisdiction in the government of the church,[h] there is good evidence that the kings of England believed themselves invested with the latter power, with a view to the preservation of the legal rights of crown and subject from injury, whether proceeding from the clergy within or the laity without. The form of the king's writ for the convocation of parliament takes for granted[i] that the state and defence of the church is at least as much within the duty and prerogative of the monarch as the regulation of the affairs of the state. Thus an orthodox parliament in the reign of Richard II. presented a petition to the king to take immediate steps for the suppression of Lollardy. Acting upon this admonition, the king commanded archbishops and bishops diligently to inquire into and punish the presumed heretics, to search for and burn their books, and to commit their persons to prison, there to abide the proper canonical adjudication upon the nature of their doctrines. A similar petition, presented by the commons, fourteen years afterwards, to Henry IV., very plainly shows that they regarded the king as the constitutional guardian and visitor of the church, with powers not only to watch over the working of the ecclesiastical machine, but to rectify its irregularities, and to restrict it within the limits of established law and

[h] *Bellarmine*, "De Pontifice Romano," lib. iv. c. 22. According to this celebrated canonist, the *internal* jurisdiction comprises ritual, preaching, instruction, and discipline; the *external* jurisdiction embraces the right and the obligation to execute the ordinances of the church within the above limits; to watch over the performance of their duty by the clergy; and to defend the ecclesiastical system from all encroachment or injury both from within and from without.

[i] The ancient parliaments were summoned "pro quibusdam arduis et urgentibus negotiis, *statum et defensionem* regni nostri Angliæ et *ecclesiæ Anglicanæ* concernentibus." *Rot. Parl.* 20 Rich. II. n. 1.

usage, both as it regards doctrine and discipline. In none of the cases alluded to is any allusion made to any other authority than that of the crown. The prelates of England themselves partook of the general impression, and in the second year of Henry IV. petitioned the king, as of his own royal power and prerogative, to provide the proper remedy for the disorders, divisions, and perils which had crept into the church by occasion of Lollardy.[j]

Constitutional remedies, &c.

These powers were claimed as strongly against the Pope as against the clergy. The power to set the laws in motion, however, had been appropriated by both; that is, the canon law, of which they were the exclusive ministers, had been interposed for the purpose of concentrating *both jurisdictions* in the hand of their chief. The *plenitude of the apostolic power* had been made to swallow up all external authority, and to convert secular law, prerogative, and right into mere echoes of the voice of Rome, and to convert them into the passive instruments for the execution of her behests. The laity of England had, however, contracted the habit of resorting to the crown for redress and protection against the flagrant irregularities of the clergy, and of tracing them to the vicious operation of the canonical tribunals upon the moral character of the clergy: as when the ecclesiastical courts oppressed them by exorbitant costs in spiritual causes;[k] or when the pecuniary fines and penalties were unreasonably high;[l] or when aggrieved by papal provisions, or by neglect of duty on the part of the clergy, such as non-residence, frequency of excommunication and other arbitrary and illegal proceedings of the spiritual courts.[m] Though the pastoral authority of the Pope was frequently called in aid of that of the crown for the correction of abuses, yet when their prerogative or their interests were at stake, the kings rarely scrupled

[j] *Rot. Parl.* 2 Hen. IV. n. 48.
[k] Ibid. 50 Ed. III. n. 84, and 1 Rich. II. n. 8.
[l] 25 Ed. III. n. 35.
[m] *Rot. Parl.* 46 Ed. III. n. 36, 37, 41, 42; 17 Rich. II. n. 43; 7 Hen. IV. n. 114; 2 Hen. V. n. 5.

to apply the remedy without consulting him. From these precedents, and many more that might be collected from the statutes and text-books of English law, we arrive at the conclusion that the law of the land had vested in the crown an independent power to redress all abuses in the external government of the church; as well as to provide a remedy against dissensions, scandals, and divisions arising from malpractices of every kind on the part of either clergy or laity.

The great conflict of law and canonism.

It will be seen that in all this there was a wide departure from the principles of church-government proposed by the canonists, and embodied in the great scheme of Innocent III. The Pope, as the supreme arbiter and dispenser of all spiritual power, could admit of no secular intervention between himself and those upon whom he thought fit to bestow a share of that spiritual inspiration which dwelt in him in all the fulness of divinity. The supreme judge of all causes, civil or criminal, in which these his responsible officers were implicated, or which, even in the remotest degree, touched upon any religious interest,[n] was compelled by the inexorable logic of canonism to regard such interventions as a sin against the visible divinity resident in himself. Attempts of this kind to share his powers, to shackle his will, to limit his jurisdiction, or to impede his communications with his satraps and ministers abroad, fell necessarily under the several heads of blasphemy, or heresy, or schism, punishable by temporal and eternal death. During the whole of the thirteenth century[o] this scheme of government had met with remarkable successes and as remarkable failures. The great race of Hohenstauffen had fallen under its deadly assaults. John of England and his son had bowed the neck to the yoke; the great emperor Rudolph of Habsburg, and his successor, had acknowledged dependence on Rome. In France, indeed, the high spiritual merits of Louis the Saint had commanded a deference not altogether

[n] Conf. chap. i. p. 5 of this vol.

[o] Say, from the accession of Innocent III. A.D. 1198, to that of Clement V. A.D. 1305.

consistent with the severity of canonical principle; but upon the whole that principle met with few material checks till the great conflict between Philip IV. (Le Bel) and Boniface VIII. brought to pass the fatal migration which ended in the practical downfal of the autocratic scheme of Innocent III.

Jealousy of Roman intervention, &c.

The closer we come down to the era of the Reformation, the greater appears to have been the jealousy of papal officials in England. The very appearance of a cardinal there startled the public, and put the government on its guard. In the reign of Henry VI., the king's uncle, Henry bishop of Winchester, had been raised to the purple by pope Martin V., and returned to England as cardinal (A.D. 1431). Having accepted the Pope's bulls without the king's license, he had incurred the penalties of *præmunire*, and thought it expedient to petition parliament for indemnity. Henry V., the brother of the bishop, was so deeply offended by this contempt of his authority, that when informed that he had solicited the dignity, he declared "that he would as soon lay his crown aside as see his brother wear the hat of a cardinal." Henry VI., however, did not oppose the indemnity demanded; but as the bishop was the sworn servant of a foreign prince, precautions against a divided allegiance were thought necessary, and the bishop was not admitted to his birthright as a privy councillor until he had sworn not to take part or counsel in any matters or cause in which the Pope or the apostolic see should be in any manner interested or concerned.[p]

Progress of administrative reform in England.

In the concluding portion of this work we shall not have to revert again specifically to the history of the political connection of the papacy with England. It will suffice to add here that from the period of the great schism of 1378, to that of the Reformation, the influence of Rome in this coun-

[p] *Rot. Parl.* 8 Hen. VI., Rec. Com. vol. iv. n. 17, p. 338.

try was on the decline. The competency of canon law was confined to the spiritual courts; the limits of ecclesiastical jurisdiction were more strictly defined; the intrusion of foreigners upon the privileges of patronage had become less frequent; and the revenues of the church had flowed out of the country in a greatly diminished ratio. All idea of a feudal dependence upon Rome had vanished from the memory of sovereign and subjects alike; the tribute of king John—if remembered at all—was thought of only as a great national disgrace; Peter's-pence, annates, and first-fruits became the subjects of legal definition and control, and, though still payable to the Roman camera, could no longer be assessed and collected by resident papal extortioners; the exhausting expenses of personal attendance upon the Pope for confirmations were practically discontinued; and the prerogative of designation to the greater prelacies of the kingdom preserved to the crown, without permanent or effectual intervention by the court of Rome, either to reverse or anticipate the royal nomination. These changes, though of very gradual growth, brought with them a great diminution of appeals to Rome; the temporal estates of the churches fell exclusively under the jurisdiction of the civil tribunals; the statutes of mortmain, provisors, and præmunire had, on the one hand, effectually checked the covetous propensities of the churchmen, and on the other, created and kept alive, among clergy and laity alike, a strong aversion to the vexatious interferences of the camera with public and private rights.

The foregoing statements relate principally to the history of the papal connection with England and the English church. We reserve a few more general remarks upon the decline and fall of the Innocentian scheme of government, as relating to the nations of the Latin communion generally, for the concluding chapter of this work. As far as England is concerned, it will be seen that the elements of a political revolution as between the church and the civil government were in a state of active, though silent, fermentation. But the leaven

of change, as far as we have hitherto contemplated the subject, was of a temporal and *material* nature; the *religious* revolution which accompanied the renunciation of outward connection with Rome may be referred to a different class of causes, the elucidation of which falls properly within the task of the ecclesiastical historian.

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ERRATA.

p. 100, lowest marginal note, *for* division, *read* diversion.
„ 315, lower „ „ Anjou „ Valois.
„ 453, *for* 7th May 1342 to the 6th Dec. 1352, *read* Jan. 1st, 1335, to the 26th April 1342.
„ 456, line 10 from bottom, *read* VI. for V.

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